

SUMMARY OF PROPOSED LEGISLATION

Tracking No. 0165-22

Date: September 12, 2022

Re: AN ACT RELATING TO AN EMERGENCY; APPROVING \$89,480 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE (“UUFb”) FOR A NEW HVAC SYSTEM FOR THE OLJATO CHAPTER SENIOR CENTER

Purpose of this Legislation:

to approve \$89,480 from the UUFb for a new HVAC system for the Oljato Chapter Senior Center.

OLC No. 22-310-1

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL - Fourth Year, 2022

Introduced by:

 Herman M. Daniels, Jr.
(Prime Sponsor)

Tracking No. 0165-22

AN ACT

**RELATING TO AN EMERGENCY; APPROVING \$89,480 FROM THE
UNRESERVED, UNDESIGNATED FUND BALANCE ("UUFb") FOR A
NEW HVAC SYSTEM FOR THE OLJATO CHAPTER SENIOR CENTER**

BE IT ENACTED:

SECTION ONE. AUTHORITY

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

As such, the Council may approve supplemental appropriations whenever additional sources of revenues above current revenue projections are anticipated and such revenues exceed the required reserve amount. 12 N.N.C. §820(L).

B. The Navajo Nation Council may approve emergency legislation to address any matter "constituting an emergency [that] shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services or other direct services required as an entitlement under Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council." 2 N.N.C. §164 (A)(16).

C. At this time, this Act is being considered as an emergency measure because the Oljato Chapter Senior Center has been without a functioning central heating and air

1 conditioning/cooling system (“HVAC”) for over a year’s time. The lack of heat in the winter
2 and adequate air conditioning/cooling during the summer months has created extremely
3 uncomfortable and dangerous conditions at the Senior Center. There is a high risk for this
4 facility to be closed at this time. Despite these conditions, the staff has worked to keep
5 providing services to the elderly residents of the Oljato Community. The imminent shutdown
6 of the Senior Center would deny many Navajo elders of the dire services, especially daily
7 meals, that they have come to rely upon. Given this situation, there is a pressing public need
8 for the Council to approve this Act.

9 D. The restrictions on supplemental appropriations, including all monies from the Navajo
10 Nation’s Unreserved, Undesignated Fund Balance, include:

- 11 1. Payment of recurring government operating expenses shall be from recurring revenues,
12 and payment of nonrecurring expenses shall be from nonrecurring revenues such as UUFB
13 funds. 12 N.N.C. §820(E), §820(F).
- 14 2. Specifically, the UUFB shall not be used for recurring government expenditures or
15 operations. 12 N.N.C. §820(J), §820(L).
- 16 3. Nonrecurring revenues such as UUFB funds may be used only after the Controller
17 determines whether or not such revenues are subsidizing an imbalance between the
18 Navajo Nation’s recurring revenues and expenditures, and government expenditures shall
19 only be authorized if a long-term (3-year to 5-year year) forecast shows that the operating
20 deficit will not continue; otherwise, nonrecurring revenues will be added to the
21 Unreserved, Undesignated Fund Balance. 12 N.N.C. §820(F).
- 22 4. The above provisions in Title 12 may be amended or waived by a two-thirds vote of the
23 full Navajo Nation Council. 12 N.N.C. §820(F), 12 N.N.C. §880.
- 24 5. In compliance with 12 N.N.C. §820(F) all UUFB funding requests must be reviewed by
25 the Controller. Such review is also required because the Controller determines which
26 revenues and expenses are recurring and which are non-recurring. 12 N.N.C. §820(L).
- 27 6. In compliance with 12 N.N.C. §820(M) all UUFB funding requests must be submitted to
28 the Office of Management and Budget (“OMB”) for a budget impact analysis.
- 29 7. Supplemental funding such as UUFB appropriations shall lapse at the end of the current
30 fiscal year unless the Navajo Nation Council decides otherwise. 12 N.N.C. §820(N).

1 **SECTION TWO. FINDINGS**

2 A. As stated above, the Oljato Chapter Senior Center has been without central heating and air
3 conditioning for over a year's time. This has created extremely uncomfortable and dangerous
4 conditions at the Senior Center, and the facility faces imminent shutdown.

5 B. The Oljato Chapter Senior Center is requesting \$89,480 in UUFB funds to pay for the
6 installation of a new HVAC system at the Center. **EXHIBIT A.**

7 C. The Oljato Chapter has submitted completed Budget Forms for its proposed expenditures,
8 attached as **EXHIBIT B**, as well as the required Appendix K "Supplemental Funding
9 Proposal Funding Summary," attached as **EXHIBIT C.**

10 D. The Controller has provided a memorandum regarding this funding request, in compliance
11 with 12 N.N.C. §820(F) and §820(L). **EXHIBIT D.** The Controller has indicated that the
12 proposed expenditures by ARQ are *nonrecurring* expenses; therefore, a waiver of 12 N.N.C.
13 §820(E), §820(F), §820(J), or §820(L) is not necessary.

14 E. The Office of Management and Budget has provided a memorandum regarding this funding
15 request, in compliance with 12 N.N.C. §820(M). **EXHIBIT E.**

16 F. The Navajo Nation Council has determined that approving the requested UUFB funds for
17 the Oljato Chapter Senior Center is an urgent and critical priority for the Navajo Nation. The
18 proposed HVAC system is urgently needed and will provide the facility with safe and
19 comfortable conditions for the many Oljato Community Navajo elders, as well as all staff
20 and visitors, who use the Center every day and rely upon the many services provided.

21
22 **SECTION THREE. APPROVAL OF \$89,480 FROM THE UUFB FOR A NEW HVAC**
23 **SYSTEM FOR THE OLJATO CHAPTER SENIOR CENTER**

24 A. The Navajo Nation hereby approves \$89,480 from the UUFB for the installation of a new
25 HVAC system for the Oljato Chapter Senior Center.

26 B. The approved UUFB funds shall be from those revenues that exceed the 10% minimum
27 balance of the UUFB which must be maintained according to 12 N.N.C. §820(J).

28 C. The approved UUFB funds shall not lapse at the end of Fiscal Year 2022, as would otherwise
29 occur pursuant to 2 N.N.C. §820(N), so long as such funds are used for the installation of the
30 HVAC system at the Oljato Chapter Senior Center, as provided for herein.

1 D. Upon the effective date of this Act, the Controller shall promptly transfer the approved
2 UUFB funds to the Division of Community Development (“DCD”).

3 E. Upon receipt of the approved UUFB funds, the DCD shall then arrange for the expenditure
4 of these funds for the installation of a new HVAC system for the Oljato Chapter Senior
5 Center, in accordance with the EXHIBIT B and EXHIBIT C, and in accordance with DCD’s
6 regular procedures and requirements that apply to expenditures for non-LGA-certified
7 Chapters.

8 F. The approved UUFB funds shall be used strictly to pay for the Oljato Chapter Senior Center’s
9 HVAC system, as described in EXHIBIT A, EXHIBIT B and EXHIBIT C.

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11 **SECTION FOUR. EFFECTIVE DATE**

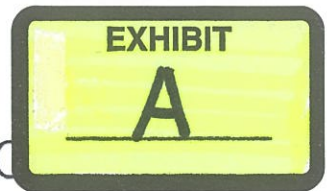
12 This Act shall become effective pursuant to 2 N.N.C. §221(B) and 2 N.N.C. §164(A)(17).
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14 **SECTION FIVE. SAVING CLAUSE**

15 If any portion of this Act is determined invalid by the Navajo Nation Supreme Court, or by a
16 District Court of the Navajo Nation without appeal to the Navajo Nation Supreme Court, the
17 remainder of this Act shall be the law of the Navajo Nation.
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24TH NAVAJO NATION COUNCIL OFFICE OF THE SPEAKER



HONORABLE SETH DAMON
Speaker, 24th Navajo Nation Council

MEMORANDUM

TO: Dominic Beyer, *Executive Director*
OFFICE OF MANAGEMENT AND BUDGET

FROM: 
Seth Damon, *Speaker*
24TH NAVAJO NATION COUNCIL

DATE: July 26, 2022

RE: UUFB Fund Request

This memorandum serves as notification a legislation will go through the legislative process for approval to address the Oljato Senior Citizen Center in the amount of \$ 89,480.00 to replace the HVAC unit that has been out of commission for more than one year. Furthermore, the review of all attached budget forms is attached for your analysis. Please see the amounts below:

Oljato Senior Citizen Center	\$ 89,480.00
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Thank you for your assistance and should there be any questions, please contact the Chief of Staff, Sherylene Yazzie, sheryleneyazzie@navajo-nsn.gov. Ahe hee'

FY 2022

**THE NAVAJO NATION
PROGRAM BUDGET SUMMARY**

APPENDIX B

BUDGET FORM 1

PART I. Business Unit No.: _____		NEW		Program Title: _____		OLJATO SENIOR CENTER		Division/Branch: _____		Executive	
Prepared By: _____		Phone No.: _____		Email Address: _____							

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 or Total
FY 22 UUFB	01/2021-09/30/20	89,480.00	100%	2001 Personnel Expenses				
				3000 Travel Expenses				
				3500 Meeting Expenses				
				4000 Supplies				
				5000 Lease and Rental				
				5500 Communications and Utilities				
				6000 Repairs and Maintenance				
				6500 Contractual Services	1		87,480	87,480
				7000 Special Transactions	1		2,000	2,000
				8000 Public Assistance				
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
TOTAL:						\$0.00	89,480.00	89,480

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

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

SUBMITTED BY: _____ Chief of Staff-Sherylene Yazzie Program Manager's Printed Name _____ Program Manager's Signature and Date _____	APPROVED BY: _____ Speaker-Seth Damon Division Director / Branch Chief's Printed Name _____ Division Director / Branch Chief's Signature and Date _____
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EXHIBIT

B

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

FY 2022

PART I. PROGRAM INFORMATION:		Business Unit No.: NEW		Program Name/Title: OLJATO SENIOR CITIZEN CENTER											
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:															
<p>December 8, 1979, the Oljato Chapter passes a resolution to start a Senior Citizens Program at the Oljato Chapter, and will take the responsibility to maintain services, and provide better service delivery to prevent premature unnecessary institutionalization. January 1, 1980, the transition of funds was granted from the State of Utah to the Navajo Nation Area Agency on Aging (now known as the Division of Aging & Long Term Care Support) to administer the program in the Utah area. As a Nation, we must maintain the current level of services to what we agreed upon. The Oljato Chapter of the Navajo Nation respectfully support the request of the</p>															
PART III. PROGRAM PERFORMANCE CRITERIA:															
1. Goal Statement:				1st QTR		2nd QTR		3rd QTR		4th QTR					
				Goal		Actual		Goal		Actual		Goal			
Program Performance Measure:															
2. Goal Statement:															
Program Performance Measure:															
3. Goal Statement:															
Program Performance Measure:															
4. Goal Statement:															
Program Performance Measure:															
5. Goal Statement:															
Program Performance Measure:															
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.															
				<p>Chief of Staff: Sherylene Yazzie</p> <p>Program Manager's Printed Name</p> <p><i>[Signature]</i></p> <p>Program Manager's Signature and Date</p>				<p>Speaker: Seth Damon</p> <p>Division Director/Branch Chief's Printed Name</p> <p><i>[Signature]</i> 7/26/2022</p> <p>Division Director/Branch Chief's Signature and Date</p>							

Appendix K

EXHIBIT

C

THE NAVAJO NATION SUPPLEMENTAL FUNDING PROPOSAL SUMMARY

PART I. Business Unit No.: NEW Program Title: OLJATO SENIOR CITIZENS CENTER
Division/Branch: Executive Amount Requested: \$89,480.00 Prepared By: _____
Phone No.: _____ Email Address: _____

PART II. REASON FOR REQUEST AND STATEMENT OF NEED:

The purpose of this request is to provide emergency assistance to the Oljato Senior Citizens Center, which has been without adequate air conditioning for more than one year, by replacing their obsolete unit with a functioning new HVAC unit so that they may provide necessary services to the elderly population within the community. Oljato Senior Citizen Center has remained open throughout the pandemic, despite the obstacles they've encountered, have preserved to provide meals and necessary services to their community elders. Currently, the facility is at risk of closure which could cease vital services that the elderly rely so heavily upon.

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

N/A

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.


Sherylene Yazzie, Chief of Staff

REVIEWED BY: Division Director's Signature / Date


Honorable Seth Damon, Speaker

RECOMMEND SUPPLEMENTAL: Branch Chief's Signature / Date

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: July 26, 2022

Subject: UUFB- Oljato Senior Center \$89,480

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

1. The unaudited balance of the UUFB as of July 1, 2022, is \$15,966,288. Legislation 0051-22 for Elections office was passed during the Navajo Nation Council Summer session in the amount of \$1,614,018. If signed by the President the balance of the UUFB will be \$14,352,270.
2. UUFB to fund the replace the HVAC unit at the Oljato Senior Citizen Center in the amount of \$89,480.
3. The budget form included do not have any goals on Form 2. The budget forms have the line items for external contractors and media. The responsible program appears to be Legislative Branch.
4. This request would be considered NON-RECURRING.

If you should have any questions, please contact me at tribal extension X6070.

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



September 2, 2022

MEMORANDUM

TO : Sherilene Yazzie, Chief of Staff
Office of the Speaker

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

SUBJECT : Proposed Budget for Oljato Senior Citizens Center

Pursuant to request by the Office of the Speaker the proposed budget forms have been reviewed. Comments are as follows:

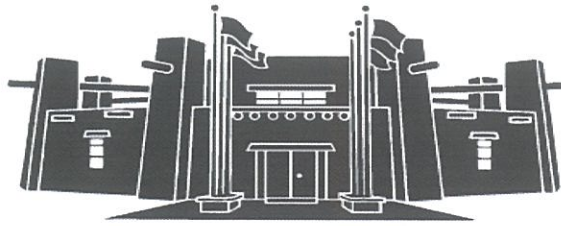
1. The budget is for \$89,480 from the Undesignated Unreserved Fund Balance for an HVAC unit for the Oljato Senior Citizens Center.
2. OMB understands the Senior Citizen Centers are administered and managed by the Navajo Department of Health, Division of Aging and Long Term Care Support (DALTCS), within the Executive Branch. Accordingly, the authorized signators of the budget documents should be from DALTCS, NDOH, and/or OPVP to ensure review, coordination, and prioritization of the need. However, the budgets are signed by the Office of the Speaker.
3. The budget forms, otherwise, are in order.

xc: JJim, NDOH
PChaco, OPVP



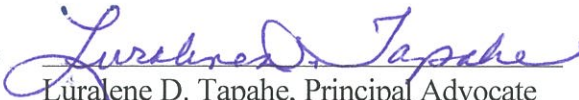
OFFICE OF MANAGEMENT AND BUDGET

POST OFFICE BOX 646 | WINDOW ROCK, AZ 86515 | PHONE: (928) 871-6570 | FAX: (928) 871- 6567



MEMORANDUM

To: Hon. Herman M. Daniels, Member
Resources and Development Committee
24th Navajo Nation Council

From: 
Luralene D. Tapahe, Principal Advocate
Office of Legislative Counsel

Date: September 12, 2022

Subject: **AN ACT RELATING TO AN EMERGENCY; APPROVING \$89,480 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE ("UUF") FOR A NEW HVAC SYSTEM FOR THE OLJATO CHAPTER SENIOR CENTER**

The Office of Legislative Counsel has prepared the above-referenced proposed legislation and related summary sheet. Based on existing Navajo Nation law and other applicable laws, and upon review of all supporting documents regarding your request that were submitted to OLC, this legislation as drafted is legally sufficient. However, as with any action of government, this legislation may be subject to judicial review in the event of a legal challenge.

Please review this legislation to make sure it is drafted to your satisfaction, and that all necessary and appropriate supporting documents have been provided and all attached Exhibits are correct.

OLC has reviewed the appropriate standing committees' authorities to consider this legislation, based on the standing committees' powers and responsibilities set forth in Title 2 of the Navajo Nation Code. Based on its review, OLC has listed those committees in the title of this legislation. However, the Speaker may assign this legislation to any committee(s) other than those shown in the title, pursuant to his authority under 2 N.N.C. §164(A)(5).

If you find anything unacceptable, please let me know immediately and advise me of your desired changes. I can be reached at phone no. (928)871-7166 or by email at: LuraleneTapahe@navajo-nsn.gov

Thank you for your cooperation.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0165-22_

SPONSOR: Herman Daniels, Jr.

TITLE: An Act Relating to an Emergency; Approving \$89,480 from the Unreserved, Undesignated Fund Balance ("UUFb") for a New HVAC System for the Oljato Chapter Senior Center

Date posted: September 20, 2022 at 2:21PM

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.*