

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



July 1, 2022

Hon. Seth Damon
Office of the Speaker
Post Office Box 3390
Window Rock, AZ 86515

RE: CJN-28-22, *An Act Relating to the Health, Education, and Human Services, Resources and Development, Budget and Finance, and Naabik'iyáti' Committees, and the Navajo Nation Council; Approving \$4,000,000 from the Unreserved, Undesignated Fund Balance ("UUFB") for the 110 Navajo Nation Chapters' Summer 2022 Youth Employment Programs; Waiving 12 N.N.C. § 820 (E), § 820 (F), § 820 (J), and § 820 (L) to Allow Use of UUFB Funds for Recurring Chapter Expenses*

Dear Speaker Damon,

Thank you to the Navajo Nation Council, Navajo Chapters, and the Division of Community Development for working together to present this resolution in support of our Navajo students. The pandemic has brought many issues to the forefront, including our Nation's ability to build itself from within, through infrastructure development, economic growth and workforce investment.

The need for educated professionals and skilled workers has never been more apparent. Our Navajo students are in need of support and income to further their educational and career development. Summer Youth Employment has been an important part of many of our current Navajo professionals whom are leaders within our government. Our assistance is needed to cultivate that development. A majority of our Navajo people choose to reside in urban areas to employ their education and skills for career opportunities and provide for their families; we need to do all we can to provide positive work experience for our youth that will keep them here on the Nation and contribute productively to our Navajo communities.

Pursuant to the authority vested in the Navajo Nation President, I am signing Resolution CJN-28-22 into law.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Nez".

Jonathan Nez, President
THE NAVAJO NATION

A handwritten signature in black ink, appearing to read "Myron Lizer".

Myron Lizer, Vice President
THE NAVAJO NATION

RESOLUTION OF THE
NAVAJO NATION COUNCIL
24th NAVAJO NATION COUNCIL - FOURTH YEAR, 2022

AN ACT

RELATING TO THE HEALTH, EDUCATION, AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; APPROVING \$4,000,000 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE ("UUFb") FOR THE 110 NAVAJO NATION CHAPTERS' SUMMER 2022 YOUTH EMPLOYMENT PROGRAMS; WAIVING 12 N.N.C. § 820(E), § 820(F), § 820(J), and § 820(L) TO ALLOW USE OF UUFb FUNDS FOR RECURRING CHAPTER EXPENSES

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation established the Health, Education, and Human Services Committee as a Navajo Nation Council standing committee and empowered the Committee to review and recommend resolutions regarding employment matters. 2 N.N.C. § 401(B)(6)(A).
- B. The Navajo Nation established the Resources and Development Committee as a Navajo Nation Council standing committee and gave the Committee oversight over the 110 Navajo Nation Chapters. 2 N.N.C. § 164(A)(9); 2 N.N.C. § 500(A); 2 N.N.C. § 501(C)(1).
- C. The Navajo Nation established the Budget and Finance Committee as a Navajo Nation Council standing committee and authorized the Committee to review and recommend to the Navajo Nation Council the management of all funds. 2 N.N.C. § 164(A)(9); 2 N.N.C. § 300(A); 2 N.N.C. § 301(B)(2).
- D. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee, and all proposed legislation that requires final action by the Navajo Nation Council is assigned to the Naabik'íyáti' Committee for its review and consideration. 2 N.N.C. § 164(A)(9); 2 N.N.C. § 700(A).
- E. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102(A). As such, the Council ". . . may adopt and approve supplemental appropriations to the Annual Comprehensive Budget during the fiscal year. Supplemental appropriations of General Funds within the current fiscal year are permitted, if and when additional sources of revenues above

and beyond the initial or current revenue projections are projected and which are also in excess of the reserve amount set forth at § 820(J)." 12 N.N.C. § 820(L).

- F. The Title 12 restrictions on supplemental appropriations, including all amounts from the UUFB, include:
1. Payment of recurring government operating expenses shall be from recurring revenues, and payment of nonrecurring expenses shall be from nonrecurring revenues such as UUFB funds. 12 N.N.C. § 820(E); 12 N.N.C. § 820(F).
 2. Specifically, the UUFB shall not be used for recurring government expenditures or operations. 12 N.N.C. § 820(J); 12 N.N.C. § 820(L).
 3. Nonrecurring revenues such as UUFB funds may be used only after the Controller determines whether or not such revenues are subsidizing an imbalance between the Navajo Nation's recurring revenues and expenditures, and government expenditures shall only be authorized if a long-term (3-year to 5-year) forecast shows that the operating deficit will not continue; otherwise, nonrecurring revenues will be added to the Unreserved, Undesignated Fund Balance. 12 N.N.C. § 820(F).
 4. The above provisions in Title 12 may be amended or waived by a two-thirds (2/3) vote of the full membership of the Navajo Nation Council. 12 N.N.C. § 820(F); 12 N.N.C. § 880.
 5. Pursuant to 12 N.N.C. § 820(F) all UUFB funding requests must be reviewed by the Controller. Such review is also required because the Controller determines which revenues and expenses are recurring and which are non-recurring. 12 N.N.C. § 820(L).
 6. Pursuant to 12 N.N.C. § 820(M) all UUFB funding requests must be submitted to the Office of Management and Budget ("OMB") for a budget impact analysis.

SECTION TWO. FINDINGS

- A. All 110 Navajo Nation Chapters have indicated a need for supplemental funds to pay for their summer youth employment programs for the Summer of 2022. On behalf of the 110 Chapters, the Division of Community Development ("DCD") is requesting \$4,000,000 in UUFB funds to distribute among all 110 Chapters.

- B. The required Budget Forms, including Appendix K "Supplemental Funding Proposal Summary" for the Chapters' proposed expenditures, are attached as **EXHIBIT A**.
- C. DCD has prepared a comprehensive list of each Chapters' needed amount to fund its Summer 2022 Youth Employment Program, showing the total amount needed of \$4,000,000 for all 110 Chapters. **EXHIBIT B**.
- D. Diné Customary Law declares and teaches that: "[i]t is the right and freedom of the people that our children are provided with education to absorb wisdom, self-knowledge, and knowledge to empower them to make a living and participate in the growth of the Navajo Nation." 1 N.N.C. § 204(F).
- E. The Navajo Nation honors Diné Customary Law by assisting high school and college students with temporary employment during their summer breaks. Chapter summer youth employment programs offer these students the opportunity to gain work experience during their summer breaks, and to earn funds to pay for their school expenses.
- F. Due to the COVID-19 pandemic, many Navajo Nation youth were largely unable to secure summer employment during the Summers of 2020 and 2021; therefore, this \$4,000,000 in funding is badly needed to assist them with jobs and income this Summer.
- G. The Office of the Controller was asked to provide a memorandum as required by 12 N.N.C. § 820(L). This memorandum shall be provided to the assigned Committees and the Navajo Nation Council when this legislation is up for consideration.
- H. The Office of Management and Budget was asked to provide a budget impact analysis as required by 12 N.N.C. § 20(M). This analysis shall be provided to the assigned Committees and the Navajo Nation council when this legislation is up for consideration.

SECTION THREE. ALLOCATING \$4,000,000 FROM THE UUFB TO THE DIVISION OF COMMUNITY DEVELOPMENT FOR THE 110 CHAPTERS' SUMMER 2022 YOUTH EMPLOYMENT PROGRAM

- A. The Navajo Nation hereby allocates \$4,000,000 out of the UUFB to the Division of Community Development to be used for the 110 Chapters' summer youth employment programs for 2022, as shown in the attached **EXHIBIT A** and **EXHIBIT B**.

- B. This supplemental appropriation shall be from those funds that exceed the minimum fund reserve balance in the UUFB required by 12 N.N.C. § 820(J), as determined by the Controller.
- C. Pursuant to 12 N.N.C. § 820(O) the \$4,000,000 shall be deposited with each of the 110 Chapters as follows: "fifty percent (50%) of the appropriation shall be divided equally among all chapters and the remaining fifty percent (50%) shall be divided proportionately among the chapters using a percentage equal to that figure which the number of registered voters in each chapter bears to the whole of registered Navajo Nation votes as determined by the most current voter registration figures available as of the date of the appropriation." The \$4,000,000 approved herein may be used to reimburse Chapters for their verified expenditures for their Chapters' summer youth employment, which expenditures have occurred prior to the effective date of this Act going back to May 1, 2022.
- D. Pursuant to 12 N.N.C. § 820(N) the amount received by each of the 110 Chapters under the overall \$4,000,000 allocation approved herein shall not lapse at the end of the fiscal year, so long as each Chapter accounts for any funds that remain after the conclusion of its Summer 2022 Youth Employment Program and then budgets such funds in the next fiscal year for its Summer 2023 Youth Employment Program.

SECTION FOUR. WAIVING 12 N.N.C. § 820(E), § 820(F), § 820(J), and § 820(L) TO ALLOW USE OF UUFB FUNDS FOR RECURRING CHAPTER EXPENSES

The Navajo Nation hereby waives 12 N.N.C. § 820(E), § 820(F), § 820(J), and § 820(L) to allow use of the UUFB for the 110 Chapters' summer youth employment programs for Summer 2022, as shown in EXHIBIT A and EXHIBIT B. These waivers are necessary because the proposed Chapter UUFB expenditures are considered recurring government expenses.

SECTION FIVE. EFFECTIVE DATE

This Act shall become effective as provided in 2 N.N.C. § 221(B) and 2 N.N.C. § 164(A)(17).

SECTION SIX. SAVING CLAUSE

If any portion of this Act is determined invalid by the Navajo Nation Supreme Court, or by a District Court of the Navajo Nation without appeal to the Navajo Nation Supreme Court, the remainder of this Act shall be the law of the Navajo Nation.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the 24th 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 20 in Favor, and 01 Opposed, on this 23rd day of June 2022.


Honorable Seth Damon, Speaker
24th Navajo Nation Council

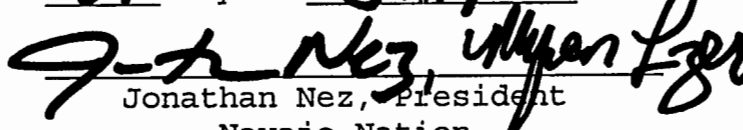
6/24/22
DATE

Motion: Honorable Kee Allen Begay, Jr.
Second: Honorable Vince R. James

Speaker Seth Damon not voting

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 01 day of July, 2022.


Jonathan Nez, President
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this _____ day of _____, 2022 for the reason(s) expressed in the attached letter to the Speaker.

Jonathan Nez, President
Navajo Nation

3. I, hereby, exercise line-item veto pursuant to the budget line-item veto authority delegated to the President by vote of the Navajo People in 2009, on this _____ day of _____, 2022.

Jonathan Nez, President
Navajo Nation

FY 2022

**THE NAVAJO NATION
PROGRAM BUDGET SUMMARY**

Page 1 of 3
BUDGET FORM 1

PART I. Business Unit No.: 108014-108123		Program Title: 110 Navajo Nation Chapters (Youth Employment)		Division/Branch: Division of Community Development	
Prepared By: Lydell Davis		Phone No.: (928) 871-7246		Email Address: ldavis@nndcd.org	

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
Undesignated Unreserved Fund (UUF)		FY22	4,000,000.00	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					
					7000	Special Transactions					
					8000	Public Assistance	1		4,000,000		4,000,000
					9000	Capital Outlay					
					9500	Matching Funds					
					9500	Indirect Cost					
TOTAL:					TOTAL			\$0.00	4,000,000.00		4,000,000

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

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



SUBMITTED BY: Sonlatsa Jim-Martin, ASC Department Manager  Program Manager's Printed Name Sonlatsa Jim-Martin Date 02/23/2022	APPROVED BY: Dr. Pearl Yellowman, Executive Director  Division Director / Branch Chief's Printed Name Dr. Pearl Yellowman Date 2-23-22 Division Director / Branch Chief's Signature and Date
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EXHIBIT A

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

FY 2022

PART I. PROGRAM INFORMATION:		Business Unit No.: 108014-108123		Program Name/Title: 110 Navajo Nation Chapters (Youth Employment)	
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM: The employment of the youth in the communities of the Navajo Nation.					
PART III. PROGRAM PERFORMANCE CRITERIA:					
1. Goal Statement: Assist Navajo Nation High School/College students with temporary employment		1st QTR		2nd QTR	
Program Performance Measure/Objective: Hire students during their break.		Goal Actual		Goal Actual	
		110		110	
2. Goal Statement: Students will be able to gain training and work experience.		1st QTR		2nd QTR	
Program Performance Measure/Objective: Chapters will provide work plans.		Goal Actual		Goal Actual	
		110		110	
3. Goal Statement:		1st QTR		2nd QTR	
Program Performance Measure/Objective:		Goal Actual		Goal Actual	
4. Goal Statement:		1st QTR		2nd QTR	
Program Performance Measure/Objective:		Goal Actual		Goal Actual	
5. Goal Statement:		1st QTR		2nd QTR	
Program Performance Measure/Objective:		Goal Actual		Goal Actual	
6. Goal Statement:		1st QTR		2nd QTR	
Program Performance Measure/Objective:		Goal Actual		Goal Actual	
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.					
Sonlatsa Jim Martin, ASO Department Manager		Dr. Pearl Yellowman, Executive Director			
Program Manager's Printed Name 02/23/2022		Division Director/Branch Chief's Printed Name			
Program Manager's Signature and Date		Division Director/Branch Chief's Signature and Date 2-23-22			

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

PART I. PROGRAM INFORMATION: Program Name/Title: 110 Navajo Nation (Youth Employment) Business Unit No.: 108014-108123			
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
8705	8000 ASSISTANCE Funds for Summer Youth Employment for the 110 Navajo Nation Chapters using the 50/50 formula. CHAPTER 8715: Grant 1,053,097.13 Eastern Agency 974,037.55 Fort Defiance Agency 763,916.14 Shiprock Agency 683,569.16 Western Agency 525,380.03 Chinle Agency Total: 4,000,000.00	4,000,000	4,000,000
TOTAL		4,000,000	4,000,000

THE NAVAJO NATION SUPPLEMENTAL FUNDING PROPOSAL SUMMARY

PART I. Business Unit No.: <u>108014-108123</u>		Program Title: <u>110 Navajo Nation Chapter (Youth Empl</u>	
Division/Branch: <u>Division of Community Development</u>		Amount Requested: <u>\$4,000,000.00</u> Prepared By: <u>Lydell Davis</u>	
Phone No.: <u>(928) 871-7246</u>		Email Address: <u>ldavis@nndcd.or</u>	


PART II. REASON FOR REQUEST AND STATEMENT OF NEED:

 Provide the 110 Navajo Nation Chapters the funds to hire youth from their respective communities.

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

 Undesignated Unreserved Fund Balance (UUFB).

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.


2-23-22
REVIEWED BY: Division Director's Signature / Date

RECOMMEND SUPPLEMENTAL: Branch Chief's Signature / Date

THE NAVAJO NATION

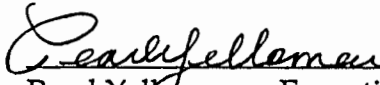
JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



DCDA-M23067

MEMORANDUM

TO : DCD Department and Program Staff
All Concerned

FROM : 
Pearl Yellowman, Executive Director
Division of Community Development

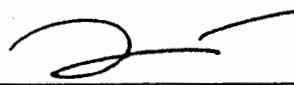
DATE : February 18, 2022

SUBJECT : Delegation of Authority

In my absence from the office on February 22, 2022 at 8:00am to February 25, 2022 at 5:00pm, Mr. James Adakai shall be delegated the authority of the Executive Director for Division of Community Development. This delegation includes handling administrative matters and signatory authority, except those matters he feels requires my attention.

Your assistance and cooperation are appreciated. Thank you.

ACKNOWLEDGED BY:


James Adakai, Deputy Division Director
Division of Community Development

c.

|
\$4 Million Summer Youth UUFB Request
Division of Community Development
FY'22

EXHIBIT B

EASTERN AGENCY	
Alamo	35,552
Baca/Prewitt	39,890
Becenti	30,259
Breadsprings	32,905
Casamero Lake	28,132
Chichiltah	43,391
Churchrock	52,265
Counselor	27,143
Crownpoint	36,942
Huerfano	44,982
Iyanbito	31,264
Lake Valley	25,184
Littlewater	29,472
Manuelito	31,297
Mariano Lake	31,934
Nageezi	34,179
Nahodishgish	26,892
Ojo Encino	28,617
Pinedale	37,378
Pueblo Pintado	25,686
Ramah	38,634
Red Rock	45,183
Rock Springs	41,750
Smith Lake	28,266
Standing Rock	29,220
To'hajiilee	36,105
Thoreau	39,622
Torreon	36,239
Tsayatoh	33,123
Whitehorse Lake	27,629
Whiterock	23,962
SUBTOTALS:	1,053,097

\$4 Million Summer Youth UUFB Request
Division of Community Development
FY'22

FORT DEFIANCE AGNECY	
Cornfields	32,185
Coyote Canyon	35,485
Crystal	30,996
Dilcon	37,110
Fort Defiance	65,330
Ganado	39,271
Houck	37,277
Indian Wells	33,140
Jeddito	31,934
Kinlichee	40,510
Klagetoh	32,503
Low Mountain	30,560
Lower Greasewood	34,045
Lupton	29,639
Mexican Springs	32,319
Naschitti	37,562
Nahata Dziil	34,648
Oak Springs	29,153
Red Lake	29,086
Sawmill	33,894
Saint Michaels	56,909
Steamboat	35,669
Teesto	32,202
Tohatchi	37,780
Twin Lakes	42,018
Whitecone	30,728
Wide Ruins	32,085
SUBTOTALS:	974,038

\$4 Million Summer Youth UUFB Request
Division of Community Development
FY'22

SHIPROCK AGENCY	
Aneth	44,329
Bechabito	28,316
Burnham	27,143
Cove	27,194
Gadiiahi	27,512
TseDaaKaan (Hogback)	39,890
Mexican Water	29,153
Nenahnezad	40,477
Newcomb	28,249
Red Mesa	38,986
Red Valley	33,726
Rock Point	38,651
Sanostee	42,721
San Juan	30,343
Sheep Springs	29,338
Shiprock	104,978
Sweetwater	32,637
TecNosPos	35,334
Two Grey Hills	32,503
Upper Fruitland	52,436
SUBTOTALS:	763,916

\$4 Million Summer Youth UUFB Request
Division of Community Development
FY'22

WESTERN NAVAJO AGENCY	
Birdsprings	28,802
Bodaway/Gap	37,361
Cameron	32,135
Chilchinbeto	31,984
Coalmine Canyon	30,728
Coppermine	31,733
Dennehotso	38,081
Inscription House	30,845
Kaibeto	37,110
Kayenta	59,505
Lechee	35,318
Leupp	37,998
Navajo Mountain	28,869
Oljato	43,659
Shonto	39,003
Tolani Lake	27,261
Tonalea	40,477
Toh Naness Dizi	72,700
SUBTOTALS:	683,569

**\$4 Million Summer Youth UUFB Request
Division of Community Development
FY'22**

CHINLE AGENCY (14)	
Black Mesa	26,659
Chinle	79,064
Forest Lake	26,708
Hardrock	30,862
Lukachukai	36,725
Many Farms	40,393
Nazlini	32,168
Pinon	45,502
Rough Rock	30,577
Round Rock	33,056
Tachee/Blue Gap	32,704
Tsaile/Wheatfields	40,343
Tselani/Cottonwood	38,333
Whippoorwill	32,286
SUBTOTAL	525,380

GRAND TOTALS:	4,000,000
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Registered Voters as of February 7, 2022

Eastern Agency	1,053,097
Fort Defiance Agency	974,038
Shiprock Agency	763,916
Western Agency	683,569
Chinle Agency	525,380
Total:	4,000,000

NAVAJO NATION

1081

6/23/2022

Navajo Nation Council Special Session

02:32:01 PM

Amd# to Amd#	Legislation 0060-22: Approving	PASSED
MOT Begay, K	\$4,000,000 From The Unreserved,	
SEC James, V	Undesignated Fund Balance	
	("UUFB") for the 110 Navajo....	

Yeas : 20

Nays : 1

Excused : 0

Not Voting : 2

Yea : 20

Begay, E	Freeland, M	Slater, C	Tso, D
Begay, K	Halona, P	Smith	Tso, E
Begay, P	Henio, J	Stewart, W	Walker, T
Brown	James, V	Tso	Wauneka, E
Daniels	Nez, R	Tso, C	Yellowhair

Nay : 1

Charles-Newton

Excused : 0

Not Voting : 2

Crotty Yazzie

Presiding Speaker: Damon