

SUMMARY OF PROPOSED LEGISLATION

Tracking No. 0254-23

DATE: September 29, 2023

**RE: AN ACTION RELATING TO THE LAW AND ORDER
COMMITTEE AND THE BUDGET AND FINANCE
COMMITTEE; APPROVING THE FUND MANAGEMENT
PLAN FOR THE FIRE AND RESCUE SERVICES FUND**

Purpose of this Legislation:

to approve the Fund Management Plan for the Fire & Rescue Services Fund.

OLC No. 23-088-1

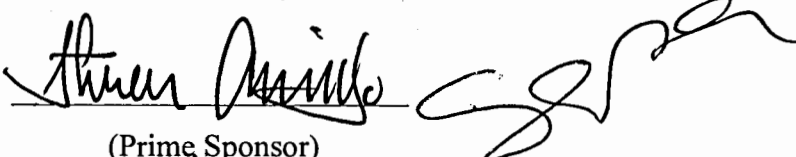
5-DAY BILL HOLD PERIOD 4:57 PM; 11-27-23
Website Posting Time/Date 4:57 PM; 11-27-23
Posting End Date: 12-02-23
Eligible for Action: 12-03-23

Law & Order Committee
Thence
Budget & Finance Committee

PROPOSED STANDING COMMITTEE RESOLUTION

25th NAVAJO NATION COUNCIL - First Year, 2023

Introduced by:



(Prime Sponsor)

N-M-Bn

Tracking No. 0254-23

AN ACTION

RELATING TO THE LAW AND ORDER COMMITTEE AND THE
BUDGET AND FINANCE COMMITTEE; APPROVING THE FUND
MANAGEMENT PLAN FOR THE FIRE AND RESCUE SERVICES FUND

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Law and Order Committee is a standing committee of the Navajo Nation Council with oversight authority over the Navajo Nation Division of Public Safety and the Division's subordinate departments and programs, including the Navajo Nation Department of Fire & Rescue Services. 2 N.N.C. §601(C)(1); Resolution No. LOCMA-06-18.

B. The Budget and Finance Committee is a standing committee of the Navajo Nation Council with the delegated authority to approve fund management plans, after recommendation by the appropriate Oversight Committee and the affected Navajo Nation branch, division, or program. 2 N.N.C. §301(B)(14).

SECTION TWO. FINDINGS

A. The Plan of Operation for the Department of Fire & Rescue Services (the "Department") was approved in LOCMA-06-18. The Department is responsible for:

1. Suppression and control of fires that threaten the life, health, and property of persons;

2. Providing emergency life support measures, urgent medical care, and transportation to medical facilities;
3. Emergency and disaster area evacuations;
4. Fire safety education programs;
5. Hazardous waste handling and storage;
6. Building inspections and plan reviews to ensure compliance with applicable fire, safety, and building codes.

B. The Department's Plan of Operation specifically provides that the Department "shall be staffed sufficiently to accomplish the purposes and objectives stated herein." A copy of LOCMA-06-18 is attached hereto as **EXHIBIT 1**.

C. In 2018 the Navajo Nation Council established the "Fire and Rescue Services Fund" ("FRS Fund") via Resolution No. CJA-07-18. CJA-07-18 was later amended by CO-74-18. A copy of CO-74-18 is attached as **EXHIBIT 2**.

D. The FRS Fund receives money from the Navajo Nation's Sales Tax, codified at 24 N.N.C. §601 - §624. Specifically, 24 N.N.C. §620 was amended to provide that a certain percentage of Sales Tax revenue is deposited into the FRS Fund for use by the Department. Resolution Nos. CJA-07-18 and CO-74-18 are incorporated herein by this reference.

E. In 24 N.N.C. §620 there is no mention of who may apply for, or who may receive, money from the FRS Fund. However, according to the wording in Resolution No. CJA-07-18, the intent of the Navajo Nation Council in establishing the FRS Fund was to set up a source of funding particularly for the Navajo Nation Department of Fire & Rescue Services, under the Navajo Nation Division of Public Safety.

F. The amended provisions of 24 N.N.C. §620(C) require that money in the FRS Fund is to be appropriated pursuant to a fund management plan approved by the Budget and Finance Committee of the Navajo Nation Council.

G. The attached **EXHIBIT 3** is a proposed Fund Management Plan for the FRS Fund. The Plan provides that money in the FRS Fund shall be used by the Department for goals, activities, projects, and purposes related to the Department's responsibility to provide fire and rescue-related services to communities on the Navajo Nation and surrounding areas, as described in the Department's Plan of Operation.

1 H. The proposed FMP provides that FRS Fund money may be used for the following:

- 2 1. maintaining a balanced budget for the Department each fiscal year, which will require
- 3 sufficient appropriations for all of the Department's operating expenses;
- 4 2. adding, renovating, or refurbishing facilities, furnishings, equipment, vehicles, and
- 5 supplies, to improve working conditions at the Department, to broaden the scope of fire
- 6 & rescue services provided by the Department, and to facilitate faster and more efficient
- 7 emergency response time by the Department;
- 8 3. purchasing new vehicles and equipment, which will involve expenses for registration fees,
- 9 insurance, vehicle use/transportation, regular maintenance, necessary upgrades or
- 10 equipment installations, and repairs;
- 11 4. covering employee expenses that may include the hiring of additional staff, paying
- 12 overtime or holiday pay, higher salaries and wages or grade/step increases, employee
- 13 reclassifications, training and education, licensing or certifications or awards, and travel
- 14 expenses such as lodging and meals;
- 15 5. covering professional/consultant contracts for services such as, but not limited to,
- 16 telecommunications and internet/technology-related planning, hardware, software,
- 17 programming, data management, or other related services that will assist the Department
- 18 in modernizing, improving, and quickening its emergency response activities, and in
- 19 providing immediate emergency notifications for the public.

20 I. The Budget and Finance Committee finds that the proposed Fund Management Plan is in the

21 best interest of the Navajo Nation.

22

23 **SECTION THREE. APPROVAL**

24 The Navajo Nation hereby approves the Fund Management Plan for the Fire & Rescue Services

25 Fund established in Resolution No. CJA-07-18, as amended by CO-74-18, which Plan is

26 attached hereto as **EXHIBIT 3**.

27

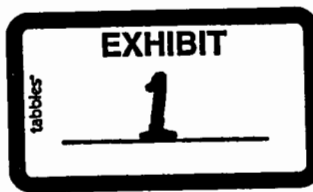
28 **SECTION FOUR. EFFECTIVE DATE**

29 This legislation shall become effective in accordance with 2 N.N.C. §301(B)(14) and 2 N.N.C.

30 §221(C).

1 **SECTION FIVE. SAVING CLAUSE**

2 If any part of this Action is determined invalid by the Supreme Court of the Navajo Nation, or
3 by a Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, the
4 remainder of this Action shall be the law of the Navajo Nation.
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LOCMA-06-18

RESOLUTION OF THE
LAW AND ORDER COMMITTEE
23RD NAVAJO NATION COUNCIL - Fourth Year, 2018

AN ACTION

RELATING TO LAW AND ORDER; AMENDING PLAN OF OPERATION FOR NAVAJO
NATION DEPARTMENT OF FIRE AND RESCUE SERVICES

BE IT ENACTED:

SECTION ONE. AUTHORITIES

- A. The Law and Order Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 600 (A).
- B. The Law and Order Committee has oversight over the Department of Public Safety and its programs. 2 N.N.C. § 601(C)(1).
- C. The Law and Committee pursuant to 2 N.N.C. § 601(B)(4) is authorized to approve and amend plans of operation for programs over which it exercises oversight authority.

SECTION TWO. FINDINGS

- A. Enabling legislation for the Navajo Nation Division of Public Safety was enacted on October 19, 1995 through Navajo Nation Council resolution CO-86-95 (incorporated herein by this reference).
- B. Through standing committee resolution GSCAU-61-95 (passed August 22, 1995), Plans of Operation for the various programs with the Division of Public Safety were approved. Resolution incorporated herein by this reference.
- C. The Navajo Department of Fire and Rescue Services was established within the Navajo Division of Public Safety. The purposes of the program include protecting the life, health and property of individuals and providing fire and rescue services to the public.
- D. The Plan of Operation for the Navajo Nation Department of Fire and Rescue Services must be generally updated, clarifying duties and responsibilities of the program pursuant to its purposes and objectives.

SECTION THREE. AMENDING PLAN OF OPERATION FOR THE NAVAJO DEPARTMENT OF FIRE AND RESCUE SERVICES

The Navajo Nation hereby amends the Plan of Operation for the Navajo Department of Fire and Rescue Services as follows:

**PLAN OF OPERATION FOR
THE NAVAJO NATION DEPARTMENT OF FIRE AND RESCUE SERVICES**

I. ESTABLISHMENT

There is hereby established the Navajo Nation Department of Fire and Rescue Services within the Navajo Division of Public Safety. The Fire Chief of the Navajo Nation Department of Fire and Rescue Services shall be under the direct supervision of the Executive Director of the Navajo Division of Public Safety.

II. PURPOSE AND OBJECTIVES

The purposes of the Navajo Nation Department of Fire and Rescue Services is to safeguard the public welfare, to protect the life, health and property of individuals from proper storage, handling and use of hazardous materials, to reduce the number of fires and mitigate fire damage within the territorial jurisdiction of the Navajo Nation, as defined by Title 7 N.N.C. § 254 and 18 U.S.C. Section 1151, and to provide fire safety education programs.

III. STAFFING AND ORGANIZATION

- A. All personnel shall be employed and compensated in accordance with applicable Navajo Nation Personnel Policies Manual. The Fire Chief shall be selected by the Executive Director of the Navajo Division of Public Safety in accordance with the established Navajo Nation Personnel Policies Manual.
- B. The Navajo Nation Department of Fire and Rescue Services shall be staffed sufficiently to accomplish the purposes and objectives stated herein. See attachment 1, organization chart.

- C. The Fire Chief shall be authorized to make decisions regarding additional personnel positions, and to request professional and technical assistance from other tribal, federal, state and county fire and rescues service agencies, as needed, to carry out the organizational purposes and objectives herein. Additional position shall be acquired within applicable rules and policies established for conducting the annual Navajo Nation budget process.

IV. AUTHORITY AND RESPONSIBILITY

- A. The responsibilities of the Navajo Nation Department of Fire and Rescue Services shall include, but are not limited to the following:
 - 1. To coordinate and direct the suppression and control of fires which threaten the life, health and property of individuals within the territorial jurisdiction of the Navajo Nation.
 - 2. To oversee and control the evacuation of persons from emergency crises or disaster areas within the territorial jurisdiction of the Navajo Nation in order to protect them from undue harm and danger.
 - 3. To develop and implement fire education programs for purposes of protecting life, health and property.
 - 4. To monitor the storage, handling and use of hazardous materials on the Navajo Nation.
 - 5. To carry out, from time to time, other activities not specifically described herein, designed to safeguard life, health, property, and public welfare throughout the Navajo Nation in an effective and efficient manner.
 - 6. To recommend enactment of Navajo Nation laws applicable to building codes, fire and safety codes, and to enforce such codes once adopted.
 - 7. To provide building inspections and plan reviews pursuant to applicable codes or pursuant to terms of Navajo Nation contracts, such as those incorporating use of national fire protection codes, international building and fire codes or other generally accepted standards of an industry.

8. To provide basic and advanced life support pre-hospital care in emergencies, and provide the necessary emergency transportation for immediate medical care.
 9. To provide public fire prevention/suppression education programs.
 10. To enforce laws and rules and regulations on the safe use and of hazardous material.
- B. The responsibilities of the Fire Chief of the Navajo Nation Department of Fire and Rescue Services shall include, but are not limited to the following:
1. To develop and implement policies and procedures necessary to provide effective and efficient fire safety and rescue services within the territorial jurisdiction of the Navajo Nation.
 2. To administer the Navajo Nation Department of Fire and Rescue Services in compliance with all applicable Navajo Nation laws, rules and regulations.
 3. To develop an annual budget for the Navajo Nation Department of Fire and Rescue Services Department. In addition, the Fire Chief shall develop, for approval, a fund management plan which permits fees for services for purposes of recouping operation costs.
 4. To negotiate contracts, grants and agreements on behalf of the Navajo Nation Department of Fire and Rescue Services in compliance with applicable Navajo Nation laws, rules and regulations.
 5. To report directly to the Executive Director regarding all activities of the Navajo Nation Department of Fire and Rescue Services on a regular basis.

V. LEGISLATIVE OVERSIGHT

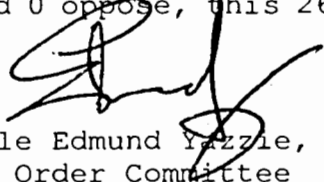
The Navajo Nation Department of Fire and Rescue Services, Navajo Division of Public Safety, shall operate under the legislative oversight of the Law and Order Committee of the Navajo Nation Council, pursuant to the powers granted that committee in Title 2 N.N.C. §§ 601 et seq.

VI. AMENDMENTS

- A. For purposes of maintaining provisions up-to-date, the department shall review its Plan of Operation at least every five years, beginning January 2020. It shall recommend any necessary amendments.
- B. Pursuant to 2 N.N.C. § 601(B)(4), this Plan of Operation may be amended from time to time by the Law and Order Committee of the Navajo Nation Council as deemed appropriate.

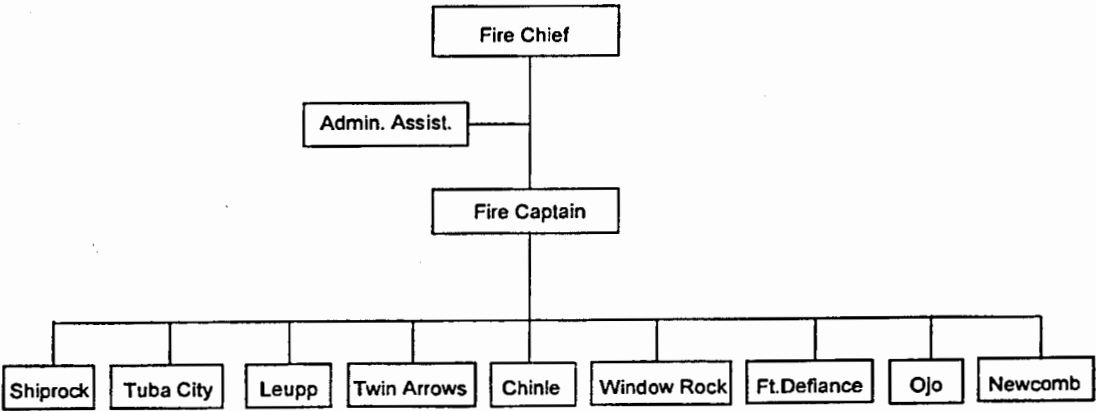
CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Law and Order Committee of the 23rd 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 3 in favor and 0 oppose, this 26th day of March, 2018.


Honorable Edmund Yazzie, Chairperson
Law and Order Committee
of the 23RD Navajo Nation Council

Motion: Honorable Otto Tso
Second: Honorable Herman M. Daniels

DEPARTMENT OF NAVAJO NATION FIRE & RESCUE SERVICES
ORGANIZATIONAL STRUCTURE





C0-74-18

RESOLUTION OF THE
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL -- Fourth Year, 2018

AN ACTION

RELATING TO LAW AND ORDER COMMITTEE, BUDGET AND FINANCE COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; AMENDING CJA-07-18, AMENDING 24 N.N.C. § 620 OF THE NAVAJO NATION SALES TAX, ALLOCATING A PERCENTAGE OF THE SALES TAX TO THE NAVAJO NATION FIRE AND RESCUE SERVICES; AMENDING THE EFFECTIVE DATE

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Law and Order Committee is empowered to review and make recommendations to the Navajo Nation Council on amendments and enactments to the Navajo Nation Code. 2 N.N.C. § 601(B)(14).
- B. The Budget and Finance Committee exercises oversight authority of budget and finance matters for the purpose of recommending to the Navajo Nation Council the adoption of resolutions designed to strengthen the fiscal and financial resources of the Navajo Nation. 2 N.N.C. § 300(C)(3).
- C. Proposed resolutions requiring final action by the Navajo Nation Council shall be assigned to the Naabik'iyáti' Committee. 2 N.N.C. § 164 (A)(9).
- D. The Navajo Nation Council is the Navajo Nation's governing body. 2 N.N.C. § 102 (A).

SECTION TWO. FINDINGS

- A. The Navajo Nation Council passed Council Resolution CJA-07-18, attached as **Exhibit A**, with an effective date in accordance with 2 N.N.C. § 221(B).
- B. The approval of Council Resolution CJA-07-18 changed the amount of money allocated to the Chapters and the Navajo Nation's General Fund as illustrated in **Exhibit B**.
- C. In consideration of the Navajo Nation's revenue projections for the remainder of Fiscal Year 2018, the Navajo Nation Council has determined amending the effective date strengthens the fiscal and financial position of the Navajo Nation for the remainder of Fiscal Year 2018.

SECTION THREE. AMENDMENT TO CJA-07-18

The Navajo Nation hereby amends CJA-07-18 as follows:

SECTION 7. EFFECTIVE DATE

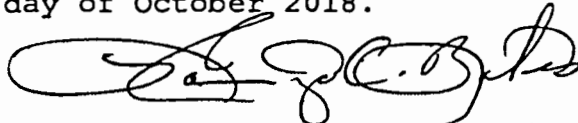
The provisions of this Act shall become effective in accordance with 2 N.N.C. § 221(B) on October 1, 2018.

SECTION FOUR. EFFECTIVE DATE

This declaration shall become effective in accordance with 2 N.N.C. § 221(B).

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 16 in favor and 01 opposed, on this 18th day of October 2018.



LoRenzo C. Bates, Speaker
23rd Navajo Nation Council

10-23-18

Date

Motion: Honorable Alton Joe Shepherd

Second: Honorable Tuchoney Slim, Jr.

Speaker LoRenzo C. Bates not voting

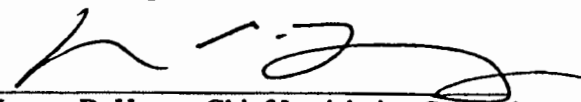
Office of Legislative Counsel
Telephone: (928) 871-7166
Fax # (928) 871-7576



February 12, 2018

MEMORANDUM

TO : Tom Platero, Executive Director
Office of Legislative Services

FROM: 
Levon B. Henry, Chief Legislative Counsel
Office of Legislative Counsel

RE : CJA-07-18 – Enacted by Statute

On January 24, 2018 the Navajo Nation Council considered and passed Resolution CJA-07-18, *Amending 24 N.N.C. § 620 of the Navajo Nation Sales Tax; Allocating a Percentage of the Sales Tax to Navajo Nation Fire and Rescue Services*. The Speaker of the Navajo Nation Council certified the resolution on February 1, 2018. On that same day, the Office of the President and Vice-President received the resolution for the President's consideration. 10 days later on February 11, 2018, the Office of the President and Vice-President returned the resolution to the Office of Legislative Services. Neither the Navajo Nation President nor the Vice-President signed the resolution.

Pursuant to 2 N.N.C. § 221(B) "All resolutions that enact new Navajo law or amend existing Navajo law and are adopted by the Navajo Nation Council shall become effective on the day the President of the Navajo Nation signs it into law or the Navajo Nation Council takes action to override the President's veto..." Resolution CJA-07-18 specifically refers to 2 N.N.C. § 221(B). The President's statutory power includes signing "legislation passed by the Navajo Nation Council into Navajo law within ten calendar days after the certification of the legislation by the Speaker..." 2 N.N.C. 1005(C)(10). "The President's authority to sign into law or veto legislation shall be deemed waived if not exercised within ten calendar days after certification of the legislation by the Speaker...and the legislation shall be deemed enacted and become effective pursuant to 2 N.N.C. § 221." 2 N.N.C. § 1005(C)(12).

The Speaker certified Resolution CJA-07-18 on February 1, 2018 and the President's office received the resolution on the same day. The 10-day period extended to February 11, 2018. The President did not sign the resolution within the 10-day period. Therefore, by law Resolution CJA-07-18 is deemed enacted and considered Navajo Nation law.

cc: Hon. LoRenzo Bates, Speaker, 23rd Navajo Nation Council
Council Delegates, 23rd Navajo Nation Council
Pete Atcitty, Chief of Staff, Legislative Branch

RESOLUTION OF THE
NAVAJO NATION COUNCIL

23RD NAVAJO NATION COUNCIL -- Fourth Year, 2018

AN ACT

RELATING TO THE LAW AND ORDER, BUDGET AND FINANCE, AND
NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; AMENDING
24 N.N.C. § 620 OF THE NAVAJO NATION SALES TAX; ALLOCATING A
PERCENTAGE OF THE SALES TAX TO NAVAJO NATION FIRE AND RESCUE
SERVICES

BE IT ENACTED:

Section One. Authority

- A. The Law and Order Committee serves as the oversight committee for the Division of Public Safety. Navajo Fire and Rescue Services are part of the Division of Public Safety. 2 N.N.C. §601(C) (1).
- B. The Law and Order Committee is empowered to review and make recommendations to the Navajo Nation Council on proposed amendments to and enactments to the Navajo Nation Code. 2 N.N.C. §600(B) (14).
- C. The Budget and Finance Committee exercises oversight authority over budget and finance matters for the purposes of recommending to the Navajo Nation Council the adoption of resolutions designed to strengthen the fiscal and financial position of the Navajo Nation and to promote the efficient use of the fiscal and financial resources of the Navajo Nation. 2 N.N.C. § 300 (C) (3).
- D. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council. A proposed resolution that requires final action by the Navajo Nation Council shall be assigned to the standing committee having authority over the subject matter at issue and the Naabik'iyáti' Committee. 2 N.N.C. §§ 164(A) (9) and 700(A).
- E. The Navajo Nation Council must review and approve enactments or amendments of positive law. 2 N.N.C. §§ 164(A).

Section Two. Findings

- A. The Navajo Nation Code provides for a tax rate of up to 6 percent. 24 N.N.C. § 605.
- B. The current rate of sales tax in the Navajo Nation is 5 percent pursuant to section 6.105 of the Navajo Nation Sales Tax Regulations.
- C. The Navajo Nation Fire & Rescue Services (NNFRS) requests additional funding to support its operations. NNFRS has presented a justification and needs analysis to support the request. These documents are attached as **Exhibits A** and **B**, respectively.
- D. The chart provided in **Exhibit C** shows the impact of increasing the sales tax to 6 percent and allocating 1 percent of the tax to NNFRS.

Section Three. Amendments to Title 24

The Navajo Nation amends the Navajo Nation Code 24 N.N.C. § 620, as follows:

**NAVAJO NATION CODE ANNOTATED
TITLE 24. TAXATION
CHAPTER 6. SALES TAX**

§ 620. Allocation of Revenue

After allocation to permanent or special revenue funds as required by Navajo Nation law, and allocation to the Tax Administration Suspense Fund as required by the fiscal policy adopted by the Navajo Tax Commission for such Fund, the net revenue from this Chapter shall be disbursed as follows:

- A. To the extent that any amount is collected pursuant to Section 605(B) above, that amount shall be transmitted by the Office of the Navajo Tax Commission to the chapter in a timely manner, to be expended in accordance with the ordinance referred to in Section 605(B), above.
- B. Except as otherwise provided in subsection (C), fifty ~~sixty~~ percent (60 ~~50~~%) of the revenue collected shall be deposited into the General Fund of the Navajo Nation, ~~twenty sixteen~~ point six, six. . . . (20 ~~16.6666~~%) of the revenue collected shall be deposited into the Judicial/Public Safety Facilities Fund, ~~ten~~ eight point three, three. . . . percent (~~10~~ 8.3333%) of the revenue collected shall be deposited into the

Scholarship Fund, and ~~ten~~ eight point three, three. . . percent (~~10~~ 8.3333%) of the revenue shall be deposited to the Economic Development Fund to be appropriated pursuant to a fund management plan approved by the Budget and Finance Committee of the Navajo Nation Council, and sixteen point six, six. . . percent (16.6666%) of the reserve shall be deposited to the Fire and Rescue Services Fund to be appropriated pursuant to a fund management plan approved by the Budget and Finance Committee of the Navajo Nation Council.

- C. ~~Sixty Fifty~~ Fifty percent (~~60~~ 50%) of the revenue collected from retail establishments located in the Navajo Nation shall be deposited into a trust fund to be appropriated pursuant to a plan of operation developed by the Office of Navajo Government Development and approved by the Budget and Finance Committee of the Navajo Nation Council; ~~twenty sixteen point six, six~~ sixteen point six, six percent (~~20~~ 16.6666%) of the revenue collected shall be deposited into the Judicial/Public Safety Facilities Fund to be appropriated pursuant to a fund management plan approved by the Budget and Finance Committee of the Navajo Nation Council; ~~ten~~ eight point three, three percent (~~10~~ 8.3333%) of the revenue collected shall be deposited into the Scholarship Fund to be appropriated pursuant to a fund management plan approved by the Budget and Finance Committee of the Navajo Nation Council and ~~ten~~ eight point three, three percent (~~10~~ 8.3333%) of the revenue collected shall be deposited into the Economic Development Fund to be appropriated pursuant to a fund management plan approved by the Budget and Finance Committee of the Navajo Nation Council and sixteen point six, six. . . percent (16.6666%) of the reserve shall be deposited to the Fire and Rescue Services Fund to be appropriated pursuant to a fund management plan approved by the Budget and Finance Committee of the Navajo Nation Council.

Section Four. Directive to the Office of the Navajo Tax Commission

The Office of the Navajo Tax Commission is directed to coordinate with the Navajo Tax Commission to make necessary changes to the sales tax rate in the Sales Tax Regulations, section 6.105.

Section Five. Codification

The provisions of the Act which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

Section Six. Saving Clause

Should any provision of this Act be determined invalid by the Navajo Nation Supreme Court or the District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, the remainder of the Act shall remain the law of the Navajo Nation.

Section Seven. Effective Date

The provisions of this Act shall become effective in accordance with 2 N.N.C. § 221(B).

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 16 in favor and 00 opposed, on this 24th day of January 2018.



LoRenzo C. Bates, Speaker
23rd Navajo Nation Council

2-1-18

Date

Motion: Honorable Seth A. Damon
Second: Honorable Herman M. Daniels

Speaker Bates not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

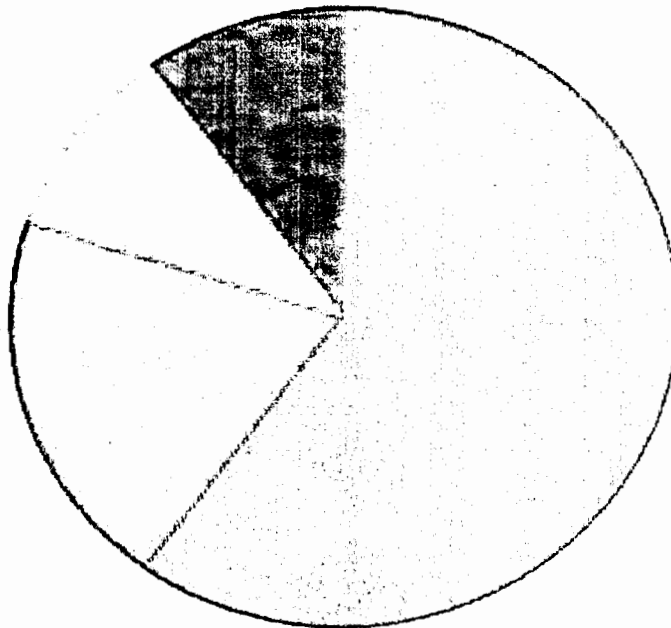
1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (c)(10), on this _____ day of _____ 2018.

Russell Begaye, President
Navajo Nation

2. I hereby vote the foregoing legislation, pursuant to 2 N.N.C. §1005 (c)(11), on this _____ day of _____ 2018 for reason(s) expressed in the attached letter to the Speaker

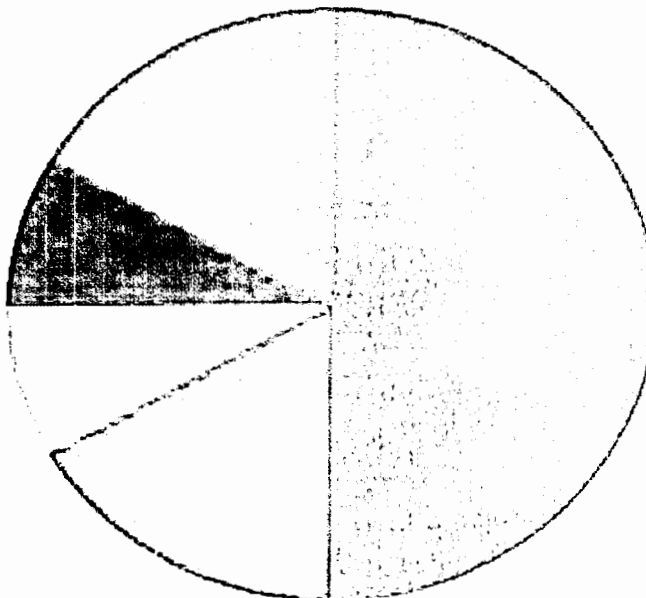
Russell Begaye, President
Navajo Nation

Pre CJA-07-18



- Chap/Gen Fund 60%
- Jud/Pub Safety 20%
- Scholarship 10%
- Econ Dev 10%

Post CJA-07-18



- Chap/Gen Fund 50%
- Jud Pub Safety 16.6666%
- Scholarship 8.3333%
- Econ Dev 8.3333%
- Fire Dept Funds 16.6666%

RCS# 1306

NAVAJO NATION

2018 Fall Session

10/18/2018

06:03:41 PM

Amd# to Amd#

MOT Shepherd
SEC Slim

Legislation 0168-18: Amending
CJA-07-18, Amending 24 NNC S 620
of the Navajo Nation Sales Tax,
Allocating a Percentage of Sales

PASSED

Yea : 16

Nay : 1

Excused : 0

Not Voting : 6

Yea : 16

Begay, K
Begay, NM
BeGaye, N
Bennett

Brown
Chee
Daniels
Filfred

Jack
Perry
Pete
Phelps

Shepherd
Slim
Smith
Witherspoon

Nay : 1

Tsosie

Excused : 0

Not Voting : 6

Bates
Crotty

Damon
Hale

Tso

Yazzie

**NAVAJO NATION DEPARTMENT OF FIRE & RESCUE SERVICES
FUND MANAGEMENT PLAN for the
FIRE & RESCUE SERVICES FUND (funded by Navajo Nation Sales Tax revenue)**

I. ESTABLISHMENT; PURPOSE.

- A. The current Plan of Operation for the Department of Fire & Rescue Services (the "Department") was approved in Resolution No. LOCMA-06-18, dated March 26, 2018. Pursuant to its amended Plan of Operation, the Department is responsible for:
1. Suppression and control of fires that threaten the life, health, and property of persons;
 2. Providing emergency life support measures, urgent medical care, and transportation to medical facilities;
 3. Emergency and disaster area evacuations;
 4. Fire safety education programs;
 5. Hazardous waste handling and storage;
 6. Building inspections and plan reviews to ensure compliance with applicable fire, safety, and building codes.
- B. The Plan of Operation specifically provides that the Department "shall be staffed sufficiently to accomplish the purposes and objectives stated herein."
- C. In 2018 the Navajo Nation Council established the "Fire & Rescue Services Fund" ("FRS Fund") via Resolution No. CJA-07-18, as amended by CO-74-18. The FRS Fund receives money from the Navajo Nation's Sales Tax, codified at 24 N.N.C. §601 - §624 (the "Sales Tax"). Specifically, 24 N.N.C. §620 was amended to provide that a certain percentage of Sales Tax revenue is deposited into the FRS Fund.
- D. The amended provisions of 24 N.N.C. §620(B) and §620(C) require that money in the FRS Fund shall be appropriated pursuant to a fund management plan approved by the Budget and Finance Committee of the Navajo Nation Council.
- E. 24 N.N.C. §620 contains no mention of any restrictions regarding who may apply for, or who may receive, money from the FRS Fund. However, per Resolution No. CJA-07-18, the intent of the Navajo Nation Council in establishing the FRS Fund was to set up a source of funding particularly for the Navajo Nation Department of Fire & Rescue Services, under the Navajo Nation Division of Public Safety. Therefore, the Fund Management Plan ("FMP") set forth herein provides that the FRS Fund is for the exclusive use of the Department.

II. CRITERIA FOR RECEIVING FUNDS.

- A. Only the Department may receive disbursements from the FRS Fund, and only the Department may use the FRS Fund money.
- B. Requests for money in the FRS Fund shall be via proposed legislation that shall be approved by the Department's Oversight Committee, the Budget & Finance Committee, the Naabik'iyáti' Committee, and the Navajo Nation Council. All such requests must include appropriately completed and signed budget forms, as approved by the Office of Management and Budget.

C. Money in the FRS Fund shall be used by the Department for goals, activities, projects, and purposes related to the Department's responsibility to provide fire and rescue-related services to communities on the Navajo Nation and surrounding areas, as described in the Department's Plan of Operation. Such purposes shall be, but are not limited to, the following:

1. maintaining a balanced budget for the Department each fiscal year, which will require sufficient appropriations for all of the Department's operating expenses;
2. adding, renovating, or refurbishing facilities, furnishings, equipment, vehicles, and supplies, to improve working conditions at the Department, to broaden the scope of fire & rescue services provided by the Department, and to facilitate faster and more efficient emergency response time by the Department;
3. purchasing new vehicles and equipment, which will involve expenses for registration fees, insurance, vehicle use/transportation, regular maintenance, necessary upgrades or equipment installations, and repairs;
4. covering employee expenses that may include the hiring of additional staff, paying overtime or holiday pay, higher salaries and wages or grade/step increases, employee reclassifications, training and education, licensing or certifications or awards, and travel expenses such as lodging and meals;
5. covering professional/consultant contracts for services such as, but not limited to, telecommunications and internet/technology-related planning, hardware, software, programming, data management, or other related services that will assist the Department in modernizing, improving, and quickening its emergency response activities, and in providing immediate emergency notifications for the public.

D. Money disbursed from the FRS Fund to the Department shall be used strictly in accordance with this Fund Management Plan, the Department's Plan of Operation, and applicable Navajo Nation laws and policies, including, but not limited to, the Navajo Nation Procurement Act and Procurement Regulations.

III. MANAGEMENT AND ACCOUNTING REQUIREMENTS.

A. The Office of the Controller has established the FRS Fund account, separate from the Navajo Nation's General Fund, to collect the Sales Tax revenue going into the FRS Fund pursuant to 24 N.N.C. §620.

B. The Office of the Controller and the Office of Management and Budget shall act in accordance with their respective duties and responsibilities to regularly monitor the FRS Fund account to ensure compliance with all applicable Navajo Nation laws, regulations, and policies, and to maintain an accurate accounting of all money going into, and out of, the FRS Fund.

C. Regular accounting activities regarding the FRS Fund shall be performed by the Office of the Controller, in accordance with Generally Accepted Accounting Principles.

IV. ANNUAL BUDGET REQUIREMENT.

- A. In accordance with the Appropriations Act, and the Budget Instructions Manual adopted for each Fiscal Year, the Department shall prepare an annual budget for the Department, for review and approval by OMB, the Department's Oversight Committee, and the Navajo Nation Council in the Navajo Nation's annual Comprehensive Budget.
- B. In preparing its annual budget, the Department shall consult with the Office of the Navajo Tax Commission and the Office of the Controller, to budget its projected expenses for the upcoming Fiscal Year consistent with a conservative projection of incoming Sales Tax revenue estimated to be deposited into the FRS Fund for the upcoming Fiscal Year.
- C. Money in the FRS Fund shall be used first to cover the Department's annual Fiscal Year budget, before any other allocations or appropriations from the FRS Fund.

V. ADDITIONAL FUNDS

- A. After the Department's Fiscal Year budget is approved in the Navajo Nation's annual Comprehensive Budget, the Department may seek further allocations or supplemental appropriations from the FRS Fund for expenses, needs, or projects, as may arise during the Fiscal Year.
- B. All such additional funding requests shall be approved by the Department's Oversight Committee, the Budget & Finance Committee, the Naabik'iyáti' Committee, and the Navajo Nation Council.
- C. Priority in disbursements from the FRS Fund shall be given to funding requests submitted by the Department in direct response to emergency situations that require urgent action to protect the health, safety, and welfare of the public or to prevent or mitigate property damage or destruction.

VI. NO REVERSION OF FUNDS

Money remaining in the FRS Fund at the end of any Navajo Nation fiscal year shall not revert to the General Fund but shall remain in the FRS Fund and shall be available for prospective use by the Department in accordance with this Fund Management Plan. Money that is disbursed from the FRS Fund to the Department that is not expended or encumbered by the end of any Navajo Nation fiscal year shall revert to the FRS Fund and shall be available for prospective use by the Department in accordance with this Fund Management Plan.

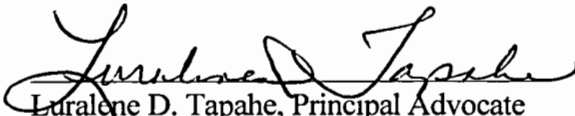
VII. AMENDMENTS

The Budget and Finance Committee may rescind or amend this Fund Management Plan, in its entirety or any portion of it. Amendment(s) to the Fund Management Plan shall be approved in writing beforehand by both the Office of the Controller and the Office of the Navajo Tax Commission.



MEMORANDUM

To: Hon. Steven Arviso, Member
Law & Order Committee
25th Navajo Nation Council

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

Date: September 29, 2023

Subject: **AN ACTION RELATING TO THE LAW AND ORDER COMMITTEE AND THE
BUDGET AND FINANCE COMMITTEE; APPROVING THE FUND
MANAGEMENT PLAN FOR THE FIRE AND RESCUE SERVICES FUND**

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 and its Exhibits to make everything 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: _0254-23__

SPONSOR: Steven Arviso

TITLE: An Action Relating to the Law and Order Committee and the Budget and Finance Committee; Approving the Fund Management Plan for the Fire and Rescue Services Fund

Date posted: November 27, 2023 at 4:57PM

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.*