

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0058-21__

SPONSOR: Otto Tso

TITLE: An Act Relating to Resources and Development, Budget and Finance, and Naa'bik'iyáti' Committees, and the Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of \$1,244,913.00 for the Navajo Department of Criminal Investigations to Continue Providing Effective Services for the Navajo Nation; Waiving 12 N.N.C §§ 820 (E), (F), and (J)

Date posted: March 25, 2021 at 9:53PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0058-21

DATE: March 25, 2021

TITLE OF RESOLUTION: AN ACT RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAA'BIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF \$1,244,913.00 FOR THE NAVAJO DEPARTMENT OF CRIMINAL INVESTIGATIONS TO CONTINUE PROVIDING EFFECTIVE SERVICES FOR THE NAVAJO NATION; WAIVING 12 N.N.C. §§ 820 (E), (F), AND (J)

PURPOSE: The purpose of this resolution is for the Navajo Nation to approve \$1,244,913.00 in supplemental funding out of the UUFb for the Navajo Department of Criminal Investigations.

5-DAY BILL HOLD PERIOD: Weeklong
Website Posting Time/Date:
Posting End Date: 05-31-2021
Eligible for Action: 05-31-2021

Resources & Development Committee
Thence
Budget & Finance Committee
Thence
Naabik'iyáti' Committee
Thence
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 24th NAVAJO NATION COUNCIL – Third Year, 2021

3
4 INTRODUCED BY

5
6 _____
7 (Prime Sponsor)

8
9 TRACKING NO. 0058-21

10
11 AN ACT

12 RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND
13 FINANCE, AND NAA'BIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO
14 NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE
15 UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF
16 \$1,244,913.00 FOR THE NAVAJO DEPARTMENT OF CRIMINAL
17 INVESTIGATIONS TO CONTINUE PROVIDING EFFECTIVE SERVICES
18 FOR THE NAVAJO NATION; WAIVING 12 N.N.C. §§ 820 (E), (F), AND (J)

19
20 BE IT ENACTED:

21
22 **SECTION ONE. AUTHORITY**

- 23 A. The Navajo Nation established the Law and Order Committee (“LOC”) as a Navajo
24 Nation Council standing committee, and as such gave LOC oversight over all
25 departments within the Navajo Division of Public Safety. 2 N.N.C. §§ 600(A),
26 600(C)(5).
- 27 B. The Navajo Nation established the Budget and Finance Committee (“BFC”) as a
28 Navajo Nation Council standing committee, and as such empowered BFC to review
29 and recommend to the Navajo Nation Council the management of all funds. 2 N.N.C.
30 §§ 300(A), and 301(B)(2).

1 C. The Navajo Nation Council established the Naabik'íyáti' Committee as a Navajo
2 Nation standing committee, and proposed legislation requiring final action by the
3 Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee. 2 N.N.C. §§
4 164(A)(9) and 700(A).

5 D. The Navajo Nation Council is the governing body of the Navajo Nation, with the
6 authority to approve supplemental appropriations. 2 N.N.C. § 102(A), 12 N.N.C. §
7 820(L).

8 E. Pursuant to 12 N.N.C. § 820(L), “[t]he Navajo Nation Council may adopt and approve
9 supplemental appropriations to the Annual Comprehensive Budget during the fiscal
10 year. Supplemental appropriations of General Funds within the current fiscal year are
11 permitted, if and when additional sources of revenues above and beyond the initial or
12 current revenue projections are projected and which are also in excess of the reserve
13 amount set forth at § 820(J).”

14 F. The Title 12 Supplemental Appropriation requirements include:

15 1. All requests for annual operating funds and supplemental funds shall be submitted
16 to the Office of Management and Budget (OMB) for budget impact analysis. 12
17 N.N.C. § 820(M).

18 2. When the Controller identifies additional sources of revenues above and beyond
19 the initial or current revenue projections, supplemental appropriations may be
20 approved by the Navajo Nation Council. 12 N.N.C. § 820(L).

21 3. Supplemental Appropriations made from non-recurring revenues shall only be
22 made for non-recurring operations or purposes, as set forth at § 820(F). The
23 Controller of the Navajo Nation shall be responsible for the designation of recurring
24 and non-recurring revenues. 12 N.N.C. § 820(L).

25 4. The Nation shall budget all recurring operating expenses, including capital
26 maintenance, from recurring revenues. Long term debt shall not be used to finance
27 recurring operating expenses. 12 N.N.C. §820(E).

28 5. The Navajo Nation Code provides, “[t]he Nation shall restrict non-recurring
29 revenues to budget non-recurring expenditures. In addition, non-recurring revenues
30 will be budgeted only after an examination by the Controller to determine whether

1 or not the revenues are subsidizing an imbalance between recurring revenues and
2 expenditures, and expenditures may be authorized only if a long-term (three-five
3 year) forecast shows that the operating deficit will not continue. Otherwise, non-
4 recurring revenues will be added to the Unreserved, Undesignated Fund balance.
5 This provision may be amended or waived by a two-thirds vote of the full Navajo
6 Nation Council.” 12 N.N.C. § 820(F).

7
8 **SECTION TWO. FINDINGS**

- 9 A. This request for supplemental funding seeks the amount of \$1,244,913.00 out of the
10 Unreserved, Undesignated Fund Balance, to assist the Navajo Department of Criminal
11 Investigations (“NDCI”) in continuing to provide its daily services in an efficient and
12 effective manner, while complying with required COVID-19 protocols. NDCI reports
13 that its FY2021 base funding allocation is not enough sufficient to meet NDCI’s
14 operational demands at all districts, due to increased financial burdens resulting from
15 the COVID-19 pandemic, with NDCI having to ensure proper safety protocols for its
16 staff and community members according to CDC and Navajo Nation guidelines.
- 17 B. The supplemental funding proposal, budget forms and related documents, including
18 Appendix K “Supplemental Funding Proposal Summary,” for NDCI are attached as
19 **Exhibit A**.
- 20 C. The Office of the Controller issued a memorandum dated March 17, 2021, to satisfy
21 the requirements in 12 N.N.C. § 820(L), attached as **Exhibit B**. The Controller has
22 identified the NDCI expenditures as RECURRING and therefore a waiver of 12
23 N.N.C. § 820(E), (F), and (J) is required.
- 24 D. The Office of Management and Budget issued a memorandum dated March 24, 2021,
25 to satisfy the requirements in 12 N.N.C. § 820(M), attached as **Exhibit C**.

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27 **SECTION THREE. APPROVING SUPPLEMENTAL FUNDING FROM THE**
28 **UNRESERVED, UNDESIGNATED FUND BALANCE**

- 29 A. The Navajo Nation hereby approves \$1,244,913.00 in supplemental funding from the
30 Unreserved, Undesignated Fund Balance for the Navajo Department of Criminal

1 Investigations.

2 B. This supplemental appropriation of \$1,244,913.00 shall be from that amount of funds
3 that exceeds the minimum fund balance of the Unreserved, Undesignated Fund
4 Balance as determined by the Office of the Controller.

5
6 **SECTION FOUR. WAIVING 12 N.N.C. §§ 820(E), (F), AND (J)**

7 The Navajo Nation Council hereby waives 12 N.N.C. §§ 820(E), (F) and (J) in order to
8 allow funds out of the Unreserved, Undesignated Fund Balance to be used for recurring
9 expenditures and government operations.

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11 **SECTION 5. SAVING CLAUSE**

12 Should any provision(s) of this Act be determined invalid by the Navajo Nation
13 Supreme Court or the District Courts of the Navajo Nation, without appeal to the Navajo
14 Nation Supreme Court, the remainder of the Act shall remain the law of the Navajo
15 Nation.

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17 **SECTION 6. EFFECTIVE DATE**

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