

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0116-24_

SPONSOR: Danny Simpson

TITLE: An Action Relating to Resources and Development Committee; Approving a Budget Reallocation in the Amount of \$1,068,991.15, from the Navajo Nation Division of Transportation's Navajo Nation Road Fund to Fund the N36/NM371 Intersection Improvement Project; the Whitehorse Yard Maintenance Building; and Business Unit C01561 NDOT Road Projects; and Waiving Navajo Nation Road Fund Regulations Section VII

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Office of Legislative Services
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LEGISLATIVE SUMMARY SHEET

Tracking No. 0116-24

DATE: May 22, 2024

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING A BUDGET REALLOCATION IN THE AMOUNT OF \$1,068,991.15, FROM THE NAVAJO NATION DIVISION OF TRANSPORTATION'S NAVAJO NATION ROAD FUND TO FUND THE N36/NM371 INTERSECTION IMPROVEMENT PROJECT; THE WHITEHORSE YARD MAINTENANCE BUILDING; AND BUSINESS UNIT C01561 NDOT ROAD PROJECTS; AND WAIVING NAVAJO NATION ROAD FUND REGULATIONS SECTION VII

PURPOSE: The purpose of this legislation is to approve a budget reallocation of \$1,068,991.15 of Navajo Nation Road Funds to fund three projects: N36/NM371 Intersection Improvement Project; the Whitehorse Yard Maintenance Building; and Business Unit C01561 NDOT Road Projects. The legislation would also waive Navajo Nation Road Fund Regulations Section VII.

Final Authority: Resources and Development Committee

Vote Required: Two-thirds (2/3) vote of the membership of the committee

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
Posting End Date: 05-28-24
Eligible for Action: 05-29-24

1 PROPOSED NAVAJO NATION STANDING COMMITTEE RESOLUTION
2 25th NAVAJO NATION COUNCIL – Second Year, 2024

3 INTRODUCED BY

4 
5 _____
6 (Prime Sponsor)

7
8 TRACKING NO. 0116-24

9
10 AN ACTION

11 RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING A
12 BUDGET REALLOCATION IN THE AMOUNT OF \$1,068,991.15, FROM THE
13 NAVAJO NATION DIVISION OF TRANSPORTATION’S NAVAJO NATION ROAD
14 FUND TO FUND THE N36/NM371 INTERSECTION IMPROVEMENT PROJECT; THE
15 WHITEHORSE YARD MAINTENANCE BUILDING; AND BUSINESS UNIT C01561
16 NDOT ROAD PROJECTS; AND WAIVING NAVAJO NATION ROAD FUND
17 REGULATIONS SECTION VII

18
19 BE IT ENACTED:

20
21 **SECTION ONE. AUTHORITY**

- 22 A. The Resources and Development Committee is a standing committee of the Navajo
23 Nation Council. 2 N.N.C. §500(A).
24 B. The Resources and Development Committee is the oversight committee of the Navajo
25 Nation Division of Transportation. 2 N.N.C. §501(C).
26 C. Pursuant to 2 N.N.C. §185(A) “[s]ubject to existing funding or contract requirements,
27 the committees, ... may reallocate funds appropriated by the Navajo Nation Council to
28 the ... divisions, departments and programs over which the committees have oversight
29 authority provided that funds are determined available by the Controller; further
30 provided that such reallocation is upon the request of the affected division, department

1 or program and further provided that reallocation of funds is by two-thirds (2/3) vote of
2 the membership of the committee, board or commission.”
3

4 **SECTION TWO. FINDINGS**

5 A. The Navajo Nation Road Fund Regulations (“Regulations”), as approved by
6 resolution RDCJN-36-14, regulate the Navajo Nation Road Fund which is funded by
7 the fuel excise tax. These Regulations state at Section VII – Use of Unexpended
8 Funds, “[a]ny unexpended funds within a fiscal year shall be reverted back to the
9 Fund Balance and eligible for reallocation for the following fiscal year specific to
10 Section V [eligible road maintenance and road improvement activities].”

11 B. A request has been made by the Navajo Nation Division of Transportation to
12 reallocate excess funds from thirty-four (34) completed Navajo Nation Road Fund
13 Projects. The Navajo Nation budget forms regarding these thirty-four (34) projects
14 are attached as **Exhibit A**.

15 C. The reallocated funds will be used to fund three projects: N36/NM371 Intersection
16 Improvement Project; the Whitehorse Yard Maintenance Building; and Business Unit
17 C01561 NDOT Road Projects. The Navajo Nation Budget forms for these projects
18 are attached as **Exhibit B**.

19 D. The Section 164 Review Form Document No. 022445, titled “2024 Road Funds
20 (FET) Reallocation,” is attached as **Exhibit C**.

21 E. The Section 164 Review Form Document No. 022445 shows that the Office of
22 Management and Budget provided a review of the request on 5.16.24 and found it
23 “sufficient.” See, **Exhibit C**.

24 F. A memorandum dated May 16, 2023 from the Office of the Controller stating the
25 “When the balances were run a total amount of \$1,068,991.15 was the available
26 balance.” The May 16, 2023 memorandum is attached as **Exhibit D**.

27 G. The Navajo Nation Department of Justice, on 5/16/24, found Section 164 Review Form
28 Document No. 022445 “legally sufficient.” See **Exhibit C**.
29
30

1 **SECTION THREE. WAIVING NAVAJO NATION ROAD FUND REGULATIONS**
2 **(“REGULATIONS”), RDCJN-36-14, BY PREVENTING THE UNEXPENDED**
3 **FUNDS FROM REVERTING TO THE NAVAJO NATION ROAD FUND**
4 **BALANCE**

5 The Resources and Development Committee waives Navajo Nation Road Fund
6 Regulations, RDCJN-36-14, allowing unexpended funds within a fiscal year from
7 reverting back to the Navajo Nation Road Fund Balance.

8
9 **SECTION FOUR. APPROVAL OF REALLOCATION**

- 10 A. The Navajo Nation’s Resources and Development Committee hereby approves a
11 budget reallocation in the total amount of \$1,068,991.15 from thirty-four (34)
12 completed Navajo Nation Road Fund Projects, as seen in **Exhibit A**, to fund three
13 projects described in **Exhibit B**, N36/NM371 Intersection Improvement Project; the
14 Whitehorse Yard Maintenance Building; and Business Unit C01561 NDOT Road
15 Projects.
- 16 B. The Navajo Nation’s Resources and Development Committee hereby directs the staff
17 of the Office of Management and Budget to establish the necessary business unit for
18 the reallocated funds.