

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0120-24_

SPONSOR: Danny Simpson

TITLE: An Action Relating to the Health, Education and Human Services, Resources and Development, Budget and Finance, and Naabik'iyáti' Committees, and to the Navajo Nation Council; Approving \$2,279,569.71 from the Unreserved, Undesignated Fund Balance ("UUFB") for Chapter Summer 2024 Youth Employment Programs; Waiving 12 N.N.C. §820 (E), §820 (F), §820 (J), §820 (L), and §820(O) to allow for this Appropriation

Date posted: May 30, 2024 at 8:36PM

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SUMMARY OF PROPOSED LEGISLATION

Tracking No. 0120-24

DATE: May 30, 2024

RE: AN ACTION RELATING TO THE HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION COUNCIL; APPROVING \$2,279,569.71 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE ("UUFB") FOR CHAPTER SUMMER 2024 YOUTH EMPLOYMENT PROGRAMS; WAIVING 12 N.N.C. §820(E), §820(F), §820(J), §820(L), AND §820(O) TO ALLOW FOR THIS APPROPRIATION

PURPOSE OF THIS LEGISLATION:

to approve \$2,279,569.71 from the UUFB for the 110 Chapters' Summer Youth Employment Program for Summer 2024 (brings all Chapters to \$50,000).

FINAL AUTHORITY and VOTE REQUIREMENT:

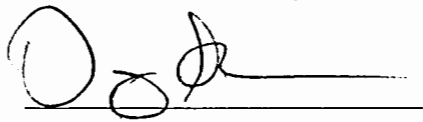
The Navajo Nation Council has final authority. A 2/3 vote is required.

5-DAY BILL HOLD PERIOD
Website Posting Time/Date
Posting End Date: 06-04-24
Eligible for Action: 06-05-24

Health Education & Human Services Committee
Thence
Resources & Development Committee
Thence
Budget & Finance Committee
Thence
Naabik'íyáti' Committee
Thence
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 25th NAVAJO NATION COUNCIL - Second Year, 2024

3 Introduced by:

4 
5 _____

6 (Prime Sponsor)

7
8 Tracking No. 0120-24

9
10 AN ACTION
11 RELATING TO THE HEALTH, EDUCATION AND HUMAN SERVICES,
12 RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE,
13 AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION
14 COUNCIL; APPROVING \$2,279,569.71 FROM THE UNRESERVED,
15 UNDESIGNATED FUND BALANCE ("UUF") FOR CHAPTER SUMMER 2024
16 YOUTH EMPLOYMENT PROGRAMS; WAIVING 12 N.N.C. §820(E), §820(F),
17 §820(J), §820(L), AND §820(O) TO ALLOW FOR THIS APPROPRIATION
18

19 BE IT ENACTED:

20
21 SECTION ONE. AUTHORITY

- 22 A. The Health, Education, and Human Services Committee is a standing committee of the
23 Navajo Nation Council empowered to review and recommend resolutions regarding
24 employment matters. 2 N.N.C. §401(B)(6)(A).
25 B. The Resources and Development Committee is a standing committee of the Navajo Nation
26 Council with oversight authority over the 110 Navajo Nation Chapters. 2 N.N.C. §164(A)(9);
27 2 N.N.C. §500(A); 2 N.N.C. §501(C)(1).
28 C. The Budget and Finance Committee is a standing committee of the Navajo Nation Council
29 authorized to review and recommend to the Council the management of all funds. 2 N.N.C.
30 §164(A)(9); 2 N.N.C. §300(A); 2 N.N.C. §301(B)(2).

1 D. The Navajo Nation established the Naabik'iyáti' Committee as a Navajo Nation Council
2 standing committee, and all proposed legislation that requires final action by the Navajo
3 Nation Council is assigned to the Naabik'iyáti' Committee for its review and consideration.
4 2 N.N.C. §164(A)(9); 2 N.N.C. §700(A).

5 E. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A).
6 As such, the Council “. . . may adopt and approve supplemental appropriations to the Annual
7 Comprehensive Budget during the fiscal year. Supplemental appropriations of General Funds
8 within the current fiscal year are permitted, if and when additional sources of revenues above
9 and beyond the initial or current revenue projections are projected and which are also in
10 excess of the reserve amount set forth at §820(J).” 12 N.N.C. §820(L).

11 F. Further Title 12 restrictions on supplemental appropriations, including all amounts from the
12 Unreserved, Undesignated Fund Balance (“UUFB”), include:

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

1 **SECTION TWO. FINDINGS**

2 A. The 110 Navajo Nation Chapters have indicated a need for supplemental funds to pay for
3 their summer youth employment programs for Summer 2024. On behalf of the 110 Chapters,
4 the Division of Community Development (“DCD”) is requesting \$2,279,569.71 in UUFB
5 funds to distribute among all 110 Chapters, with each Chapter receiving the dollar amount
6 shown in the attached **EXHIBIT A**. The funds provided will bring each Chapter to the
7 amount of \$50,000 in their summer youth employment program accounts.

8 B. The required Budget Forms 1, 2, and 4, along with Appendix J “Supplemental Funding
9 Proposal Summary” for the Chapters’ proposed expenditures, are attached as **EXHIBIT B**.

10 C. Diné Customary Law declares and teaches that: “[i]t is the right and freedom of the people
11 that our children are provided with education to absorb wisdom, self-knowledge, and
12 knowledge to empower them to make a living and participate in the growth of the Navajo
13 Nation.” 1 N.N.C. §204(F).

14 D. The Navajo Nation honors Diné Customary Law by assisting high school and college
15 students with temporary employment during their summer breaks. Chapter summer youth
16 employment programs offer these students the opportunity to gain work experience during
17 their summer breaks, and to earn funds to pay for their school expenses.

18 E. The Office of the Controller has provided a memorandum as required by 12 N.N.C. §820(L).
19 This memorandum indicates that the proposed expenditures are *recurring*. **EXHIBIT C**.

20 F. The Office of Management and Budget has provided its memorandum as required by 12
21 N.N.C. § 20(M). **EXHIBIT D**.

22
23 **SECTION THREE. APPROVING \$2,279,569.71 FROM THE UUFB TO THE**
24 **DIVISION OF COMMUNITY DEVELOPMENT FOR THE 110**
25 **CHAPTERS’ SUMMER YOUTH EMPLOYMENT PROGRAMS**
26 **FOR SUMMER 2024**

27 A. The Navajo Nation hereby approves \$2,279,569.71 out of the UUFB to be distributed to the
28 Division of Community Development for the 110 Chapters’ summer youth employment
29 programs for 2024, as shown in the attached **EXHIBIT A**. Each Chapter shall use 5% of the
30 funds received under this Action for materials and supplies needed for its summer youth

1 employment program.

2 B. This supplemental appropriation shall be from those funds that exceed the minimum fund
3 reserve balance in the UUFB required by 12 N.N.C. §820(J), as determined by the Controller.

4 C. Pursuant to 12 N.N.C. §820(N) the amount received by each of the 110 Chapters under the
5 overall \$2,279,569.71 approved herein shall not lapse at the end of the fiscal year, so long as
6 each Chapter accounts for any funds that remain after the conclusion of its Summer 2024
7 Youth Employment Program and then budgets such funds in the next fiscal year for its
8 Summer 2025 Youth Employment Program.

9
10 **SECTION FOUR. WAIVING 12 N.N.C. §820(E), §820(F), §820(J), §820(L), AND §820(O)**
11 **TO ALLOW FOR THIS APPROPRIATION**

12 The Navajo Nation hereby waives 12 N.N.C. §820(E), §820(F), §820(J), §820(L), and §820(O)
13 to allow for the use of the UUFB for the 110 Chapters' summer youth employment programs
14 for Summer 2024, as shown in **EXHIBIT A** and **EXHIBIT B**. Such waivers are necessary
15 because the proposed Chapter UUFB expenditures are considered recurring government
16 expenses, and the distribution of funds to Chapters does not follow the 50/50 formula set forth
17 in §820(O).

18
19 **SECTION FIVE. EFFECTIVE DATE**

20 This Action shall become effective as provided in 2 N.N.C. §221(B), 2 N.N.C. §1005(C)(10),
21 and 2 N.N.C. §164(A)(17).

22
23 **SECTION SIX. SAVING CLAUSE**

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