

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0159-24_

SPONSOR: Crystalyne Curley

TITLE: An Action Relating to Naabik'iyáti' Committee; Rescinding Resolution NABIAU-20-23; Approving Oversight Committee Budget Meeting Procedures

Date posted: July 12, 2024 at 8:42PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

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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.

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0159-24

DATE: July 12, 2024

**TITLE OF RESOLUTION: AN ACTION RELATING TO NAABIK'ÍYÁTI' COMMITTEE;
RESCINDING RESOLUTION NABIAU-20-23; APPROVING OVERSIGHT COMMITTEE
BUDGET MEETING PROCEDURES**

PURPOSE: The purpose of this proposed resolution is to approve the FY 2025 Oversight Budget Procedures.

FINAL AUTHORITY: Naabik'iyáti' Committee

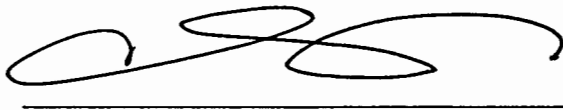
VOTE REQUIREMENT: Simple Majority

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: 07-17-24
Eligible for Action: 07-18-24

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

3 INTRODUCED BY

4 
5 _____

6 (Prime Sponsor)

7 

8 TRACKING NO. 0159-24

9
10 AN ACTION
11 RELATING TO NAABIK'ÍYÁTI' COMMITTEE; RESCINDING RESOLUTION
12 NABIAU-20-23; APPROVING OVERSIGHT COMMITTEE BUDGET MEETING
13 PROCEDURES

14
15 BE IT ENACTED:

16
17 SECTION ONE. AUTHORITY

- 18 A. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council
19 with oversight authority over the Office of Legislative Services and the Navajo
20 Nation Executive Offices. 2 N.N.C. §700 (A), § 701 (A)(2), and § 701 (A)(5).
21 B. References in the Navajo Nation Code and other official documents to the
22 Government Services and Intergovernmental Relations Committee shall mean the
23 Naabik'iyáti' Committee, as amended through Resolution No. CO-45-12.
24 C. The Navajo Nation Code provides that “[e]ach oversight committee shall review
25 and make recommendations to the Budget and Finance Committee concerning the
26 budget in accordance with the annual budget instructions. The oversight
27 committees may hold public hearings at each agency with programs under their
28 oversight and take testimony on the budget. 12 N.N.C. § 840 (A).
29 D. Additionally, “[t]he oversight committees shall make recommendations
30 concerning the budget and pass resolutions recommending appropriations and

1 conditions of appropriations for activities within their respective areas of oversight
2 to the Budget and Finance Committee pursuant to the time-lines established in the
3 Budget Instructions Manual.” 12 N.N.C. § 840 (A).
4

5 **SECTION TWO. FINDINGS**

- 6 A. The Naabik’iyáti’ Committee wishes to adopt new procedures for conducting the
7 Fiscal Year (“FY”) 2025 oversight budget meetings.
8 B. The Naabik’iyáti’ Committee has reviewed and considered the proposed attached
9 as **Exhibit A**, and finds that adherence to the attached procedures will provide a
10 more efficient review and recommendation process for the FY 2025 oversight
11 budget meetings.
12 C. As a result of adopting the Procedures in **Exhibit A**, Resolution NABIAU-20-23
13 shall be rescinded. For reference, this resolution is attached as **Exhibit B**.
14

15 **SECTION THREE. RESCINDING RESOLUTION NABIAU-20-23**

16 The Naabik’iyáti’ Committee of the Navajo Nation Council hereby rescinds Resolution
17 NABIAU-20-23, attached as **Exhibit B**.
18

19 **SECTION FOUR. APPROVING PROCEDURES FOR OVERSIGHT**
20 **COMMITTEE MEETINGS FOR APPROVING BUDGETS FOR THE FISCAL**
21 **YEAR 2025**

22 The Naabik’iyáti’ Committee of the Navajo Nation Council hereby approves the
23 Procedures for Oversight Committee Meetings for Program Budgets for FY 2025,
24 attached as **Exhibit A**.
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**PROCEDURES
FOR OVERSIGHT COMMITTEE BUDGET MEETINGS
RE: FY2025 PROGRAM BUDGETS FOR THE
FY2025 NAVAJO NATION COMPREHENSIVE BUDGET**

1. The current Standing Committee Rules of Order shall be used, except that these PROCEDURES suspend Rule 8 of the Standing Committee Rules of Order.
2. Each Agenda shall list action items as follows:
 - A. Call Meeting to Order; Roll Call; Invocation.
 - B. Recognize Guests and Visiting Officials.
 - C. Review and adopt the Agenda. Agenda items shall only include budget legislations (and the legislation to approve/adopt these Procedures, which should be the very first action item on the Agenda).
 - D. Close of Meeting; Announcements; Adjournment.
3. Agendas shall be posted to show a single Budget Meeting duration of five (5) consecutive work days.
4. The Oversight Committee may recess during its 5-day Budget Meeting to provide time for amendments to be drafted and budget exhibits to be revised, if necessary.
5. The Oversight Committee is not required to swear in any agents or other presenters. Regarding their presentations, the Navajo Nation Personnel Policies (June 3, 2020) subjects all Navajo Nation employees to termination (first offense) for knowingly making false statements or falsifying documents, and under the Navajo Nation Ethics in Government Law at 2 N.N.C. §3741 - §3793 (2007) all Navajo Nation elected officials are subject to forfeiture of their elected positions and potential civil penalties for knowingly making false statements or falsifying documents.
6. After a budget legislation is motioned, OMB shall present a simple verbal and/or written budget summary to the Committee, before the Sponsor of the legislation starts his/her presentation on the budget legislation.
7. The Sponsor of the budget legislation, and his/her agents, shall have 20 minutes to present the legislation. The presiding Chair, at his/her discretion, may increase or decrease the 20-minute time period for the initial presentation of the legislation.
8. As with any legislation, Oversight Committee Members may ask questions of agents and OMB through the Sponsor. Questions to advisors, e.g., the Controller, Department of Personnel Management staff, should go through the presiding Chair.

9. Each budget legislation shall have attached to it EXHIBITS A, B, C, D, E, and F, as follows:

- EXHIBIT A Fund Type Budget Summary
- EXHIBIT B General Fund Comparative Summary
- EXHIBIT C Recommended Changes to the General Fund Budget
- EXHIBIT D Recommended Conditions of Appropriation and Legislative Concerns
- EXHIBIT E Recommended Unmet Needs Budgets
- EXHIBIT F External Funds

10. The Office of Legislative Counsel ("OLC") will provide fillable Amendment Forms to each of the Oversight Committee members. This Amendment Form shall be used for all proposed amendments to any Exhibits and documents in the Budget Binder.
11. For each proposed amendment, the filled-out Amendment Form shall be submitted to the Committee's Legislative Advisor and to OLC. Amendments shall be restricted to moving funds within a single Branch. Inter-Branch revisions of budget dollar figures are not permitted.
12. OLC will prepare the wording for proposed amendments using the information provided on the Amendment Form. Legislative Advisors shall revise Exhibit B and Exhibit C according to the amendment(s) approved by the Oversight Committee, if any.
13. Legislative Advisors shall also prepare Directives regarding the submittal of revised Exhibits and revised Budget Binder documents, if any.
14. As with any other legislation, the Oversight Committee shall vote on each proposed amendment individually and then on the main motion for each budget legislation. As with any other legislation, a quorum of Committee members is required for such votes.
15. The Oversight Committee's Legislative Advisor is responsible for keeping a complete and accurate list of all approved amendments for including in the Oversight Committee Report that will be forwarded to the Budget & Finance Committee along with the budget legislation.
16. Once the Oversight Committee votes on, or tables, a budget legislation, it shall then move forward to the Budget & Finance Committee. Oversight Committee actions on all budget legislations shall serve as the Committee's recommendations to the Budget & Finance Committee.
17. The Oversight Committee through its Chair and/or Vice Chair, or authorized designee, shall give a presentation to the Budget & Finance Committee on each of the budget legislations for the Programs, Divisions, etc. under that Oversight Committee's oversight authority.

- end -

RESOLUTION OF THE
NAABIK'ÍYÁTI' STANDING COMMITTEE
25th NAVAJO NATION COUNCIL -- First Year, 2023

AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; RESCINDING NO. GSCF-2-92 AND APPROVING OVERSIGHT COMMITTEE BUDGET MEETING PROCEDURES

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council with oversight authority over the Office of Legislative Services and the Navajo Nation Executive Offices. 2 N.N.C. § 700(A), § 701(A)(2), and § 701(A)(5).
- B. References in the Navajo Nation Code and other official documents to the Government Services and Intergovernmental Relations Committee shall mean the Naabik'íyáti' Committee, as amended through Resolution No. CO-45-12.
- C. The Navajo Nation Code provides that "[e]ach oversight committee shall review and make recommendations to the Budget and Finance Committee concerning the budget in accordance with the annual budget instructions. The oversight committees may hold public hearings at each agency with programs under their oversight and take testimony on the budget. 12 N.N.C. § 840(A).
- D. Additionally, "[t]he oversight committees shall make recommendations concerning the budget and pass resolutions recommending appropriations and conditions of appropriations for activities within their respective areas of oversight to the Budget and Finance Committee pursuant to the time-lines established in the Budget Instructions Manual." 12 N.N.C. § 840(A).

SECTION TWO. FINDINGS

- A. The former Government Services Committee approved Resolution No. GSCF-2-92, attached as Exhibit 1, adopting rules of procedure for budget hearings.
- B. In the interest of establishing uniform standing committee budget procedures for conducting the budget meetings pursuant to 12 N.N.C. § 840(A), the Naabik'íyáti' Committee wishes to adopt new procedures for conducting the FY2024 oversight budget meetings.

C. The Naabik'iyáti' Committee has reviewed and considered the proposed "OVERSIGHT COMMITTEE SPECIAL BUDGET MEETINGS PROCEDURES - FY2024 PROGRAM BUDGETS"; attached as Exhibit 2, and finds that adherence to such Procedures will provide a more efficient review and recommendation process regarding the FY2024 Program budgets.

SECTION THREE. RESCINDING THE GOVERNMENT SERVICES AND INTERGOVERNMENTAL RELATIONS COMMITTEE RESOLUTION

- A. The Naabik'iyáti' Committee of the Navajo Nation Council hereby rescinds Resolution No. GSCF-2-92.
- B. The Naabik'iyáti' Committee of the Navajo Nation Council hereby rescinds any other Naabik'iyáti' Committee, Government Services and Intergovernmental Relations Committee, and Ethics and Rules Committee resolutions that approved budget hearing and budget meeting rules, procedures, or guidelines.

SECTION FOUR. APPROVING PROCEDURES FOR OVERSIGHT COMMITTEE MEETINGS FOR APPROVING BUDGETS FOR THE FISCAL YEAR 2024

The Naabik'iyáti' Committee of the Navajo Nation Council hereby approves the Procedures for Oversight Committee Meetings for Approving Budgets for the Fiscal Year 2024, attached as Exhibit 2.

CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by the Naabik'iyáti' Committee of the 25th 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 15 in Favor, and 00 Opposed, on this 10th day of August 2023.



Honorable Rickie Nez, Chair Pro Tem
Naabik'iyáti' Committee

8-11-23

Date

Motion: Honorable Shawna Ann Claw
Second: Honorable Brenda Jesus

Chair Pro Tem Rickie Nez not voting

GSCF-2-92

Class "C" Resolution
No BIA Action Required.

RESOLUTION OF THE
GOVERNMENT SERVICES COMMITTEE
OF THE NAVAJO NATION COUNCIL

Adopting Rules of Procedure for Budget Hearings

WHEREAS:

1. Pursuant to 2 N.T.C., Sections 341 and 343 (b) (6), the Government Services Committee (the "Committee") is a standing committee of the Navajo Nation Council and vested with the authority to serve as the oversight committee of the conduct and operation of the entities of the Navajo Nation not otherwise under the oversight of the other standing committees; and

2. Pursuant to 2 N.T.C., Section 185 (d), (1989 Amendments), the Committee is authorized, for the purpose of carrying out its purposes and authorities, to hold hearings and request the attendance and testimony of such witnesses and the production of books, records, memoranda, papers and documents as it deems advisable; and

3. By Resolution BFJA-1-92, the Budget and Finance Committee of the Navajo Nation Council adopted the Fiscal Year 1993 General Budget Policies and Instructions, wherein the oversight committees may conduct oversight budget hearings; and

4. A set of Rules of Procedure to govern the Committee's budget hearings is necessary to have an orderly hearing process; and

5. The set of Rules of Procedure for the Budget Hearings, attached hereto and incorporated herein as Exhibit "A", will serve to facilitate an orderly and efficient budget hearing process.

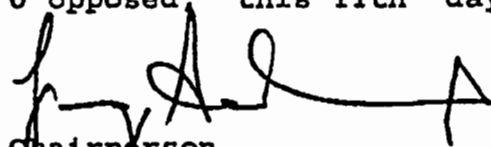
NOW THEREFORE BE IT RESOLVED THAT:

1. The Government Services Committee of the Navajo Nation Council hereby adopts the Rules of Procedure for Budget Hearings, attached hereto and incorporated herein as Exhibit "A".

2. The Government Services Committee of the Navajo Nation Council further directs and authorizes that the Rules of Procedure for Budget Hearings shall become effective immediately upon passage and shall remain in effect until repealed or amended by the Committee.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Government Services Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 7 in favor and 0 opposed, this 11th day of February 1992.



Chairperson
Government Services Committee

Exhibit A

RULES OF PROCEDURES FOR BUDGET HEARINGS

- Rule 1 - The Chairperson of the Committee shall serve as the Presiding Officer for the hearing.
- Rule 2 - All members of the Committee not otherwise precluded from participating shall be allowed to ask questions of presenters.
- Rule 3 - Formal Rules of Evidence and Procedures shall not apply to the budget hearings. The Presiding Officer may exclude evidence that is irrelevant, immaterial, or unduly repetitious.
- Rule 4 - All presenters shall be sworn and shall present testimony under oath.
- Rule 5 - Presenters shall be given a maximum of fifteen (15) minutes for oral testimony.
- Rule 6 - Presenters shall in addition to oral testimony be allowed to submit written testimony and any other documents and materials in support of their testimony. Such materials and documents shall be identified by the presenter.
- Rule 7. - Testimony shall be pertinent to the issues identified by the Committee. Testimony shall not include matters which are currently in litigation or grievance process, except as is related to the financial impact.
- Rule 8 - A written report with the budget recommendations and/or directives shall be rendered by the Committee in accordance with the established Fiscal Year budget process.
- Rule 9 - All budget hearings shall be open to the public,

**OVERSIGHT COMMITTEE SPECIAL BUDGET MEETINGS
PROCEDURES
FY2024 PROGRAM BUDGETS**

1. The Standing Committee Rules of Order are to be used for the oversight Budget Meetings. The only exception is Rule 8.
2. These Procedures suspend Rule 8 of the Standing Committee Rules of Order. The Order of Agenda Business for the Budget Meeting shall be as follows:
 - A. Call Meeting to Order; Roll Call; Invocation
 - B. Recognize Guests and Visiting Officials
 - C. Review and adopt the Agenda. The Agenda items shall only include budget legislations.
 - D. Close of Meeting; Announcements; Adjournment
3. The Budget Meeting shall be posted for a duration of five (5) consecutive work days.
4. The Committee may recess during the five-day meeting to provide time for amendments to be drafted and budget exhibits to be corrected.
5. The Committee is not required to swear in agents or other presenters, either from the Office of Management and Budget (OMB) or Program staff.
6. After a budget legislation is motioned, OMB shall present a summary budget summary for each Program's budget before the Sponsor of the legislation starts their presentation. A staff member of OMB shall be available at each Committee Budget Meeting, either virtually or in person, to answer relevant questions and to clarify issues during the discussion.
7. The Sponsor of the budget legislation, and his or her agents, will have a maximum of 10 minutes, or other time period established by the Committee, to present the legislation. The Committee Chair, at his or her discretion, may increase the time period for the initial presentation of the legislation.
8. As with any legislation, the Committee Members may ask questions of the agents and OMB through the Sponsor. Questions to advisors, e.g., the Controller, Department of Personnel Management, should go through the Committee Chair.

9. The Office of Legislative Counsel (OLC) will provide fillable amendment forms to the Committee members to be used for amendments to the Program's detailed budgets and Conditions of Appropriations/Legislative Concern exhibits. The fillable amendment forms shall be submitted to the Committee Advisor.

Requests for amendments to the body of the legislation shall be handled the same way as other legislations and should be submitted directly to OLC.

10. The Committee Advisor is responsible for keeping a complete and accurate list of all proposed amendments to the detailed budgets, and providing the proposed amendments to the Program, OMB, the Controller, and to OLC.

11. When, and if, a proposed amendment to the Program's detailed budget is approved by the Committee, the Committee Advisor will add the approved amendment to Exhibit C. The Program(s) shall work with OMB to revise Exhibit B, when necessary, to reflect the approved amendments made to the detailed budgets and Exhibit C.

12. If amendments are made to a Program's budget, the Committee will table the legislation to give the Program time to revise its detailed budgets and prepare the filled-in Exhibits B and C. When the Program returns to the Committee with its revised detailed budgets and its completed Exhibits B and C, if additional amendments or corrections are needed, the Committee will go into a recess to allow the Program time to make the budget corrections in order to avoid tabling the legislation twice and permanently eliminating the legislation from the Committee's agenda.

13. Upon reconvening after the recess, if the Committee is not satisfied with any of the proposed amendments or with any of the revised detailed budget provided by the Program, the Committee may recess a second time.

14. As with any legislation, the Committee will vote on all amendments to each budget legislation and will vote on the main motion for each budget legislation for the divisions and programs that it oversees. A quorum of Committee members is required for each vote.

15. Final approved Oversight Committee resolutions serve as recommendations to the Budget & Finance Committee. The Oversight Committee, through the Chair and/or Vice Chair, or designee, shall present the adopted Oversight Committee resolution and final program budgets, with all amendments inserted, to the Budget & Finance Committee.

NAVAJO NATION

166

8/10/2023

Naabik'iyati' Committee Special Meeting

09:11:35 AM

Amd# to Amd#	Legislation 0189-23: Rescinding No. GSCF-2-92 and Approving Oversight Committee Budget Meeting Procedures	PASSED
MOT Claw, S SEC Jesus, B		

Yeas : 15 Nays : 0 Excused : 3 Not Voting : 5

Yea : 15

Arviso, S	Crotty, A	Johnson, C	Simonson, G
Begay, H	Curley, C	Nez, A	Simpson, D
Begay, N	Damon, S	Notah, N	Tolth, G
Claw, S	Jesus, B	Parrish, S	

Nay : 0

Excused : 3

Charles-Newton, E	Daniels, H	Slater, C
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Not Voting : 5

Aseret, L	Tso, O	Yanito, C	Yazzie, C
James, V			

Presiding Speaker: Nez, R



MEMORANDUM

TO: Honorable Crystalyne Curley, Speaker
25th Navajo Nation Council Delegate

FROM: K.A. Lowell
Kristen A. Lowell, Principal Attorney
Office of Legislative Counsel

DATE: July 12, 2024

RE: **AN ACTION RELATING TO NAABIK'ÍYÁTI' COMMITTEE;
RESCINDING RESOLUTION NABIAU-20-23; APPROVING
OVERSIGHT COMMITTEE BUDGET MEETING PROCEDURES**

Per your request, the Office of Legislative Counsel has prepared the above-reference proposed legislation and associated legislative summary sheet. Based on existing law, the legislation as drafted is legally sufficient. However, as with all legislation, the proposed resolution is subject to review by the courts in the event of a challenge.

The Office of Legislative Counsel recommends the appropriate standing committee(s) reviews based on the authority of the standing committees outlined in 2 N.N.C. §§ 301, 401, 501, 601, and 701. Nevertheless, “the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration. 2 N.N.C. § 164(A)(5).

Please review the proposed legislation to ensure it is drafted to your satisfaction. If you approve, please sign as “Primary Sponsor” and submit it to the Office of Legislative Services where the proposed legislation will be given a tracking number and referred to the Office of the Speaker. If the proposed legislation is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of any revisions requested.