

RESOLUTION OF THE
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL - Third Year, 2017

AN ACTION

RELATING TO LAW AND ORDER COMMITTEE, RESOURCES AND DEVELOPMENT COMMITTEE, BUDGET AND FINANCE COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE, AND NAVAJO NATION COUNCIL; AMENDING TITLE 12 AT 12 N.N.C. §§ 2001-2070 THE CAPITAL OUTLAY MATCH FUNDING SPECIAL REVENUE FUND

BE IT ENACTED:

Section One. Authority

- A. The Law and Order Committee, the Budget and Finance Committee, the Resources and Development Committee, and the Naabik'íyáti' Committee are standing committees of the Navajo Nation Council. 2 N.N.C. §§ 300(A), 500(A), 600(A), and 700(A).
- 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. §601(B)(14).
- C. The Resources and Development Committee serves as the oversight committee of the Division of Community Development. 2 N.N.C. §501(C)(1).
- D. The Budget and Finance Committee is empowered to "review and recommend to the Navajo Nation Council the budgeting, appropriation, investment, and management of all funds." 2 N.N.C. § 301(B)(2).
- E. A proposed resolution that requires final action by the Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee before it is heard by the Navajo Nation Council. 2 N.N.C. § 164 (A)(9).

Section Two. Findings

- A. The States of Arizona, New Mexico, and Utah appropriate capital outlay funds for the construction of capital

projects to benefit the Navajo people residing on the Navajo Nation in the respective states. 12 N.N.C. § 2001.

- B. The Capital Outlay Match Funding Special Revenue Fund was established by the Navajo Nation Council in order to provide match funding and cost reimbursement for the partially funded capital outlay projects. 12 N.N.C. § 2010.
- C. The Capital Outlay Match Funding Special Revenue Fund was codified at 12 N.N.C. §§ 2001-2070. The Navajo Nation Council now determines that it is in the best interest of the Navajo Nation that 12 N.N.C. §§ 2001 - 2070 be amended in the manner described below.

Section Three. Amendments to the Capital Outlay Match Funding Special Revenue Fund

The Navajo Nation hereby amends the Capital Outlay Match Funding Special Revenue Fund, at 12 N.N.C. §§ 2001-2070, as follows:

TITLE 12. FISCAL MATTERS
CHAPTER 20

§ 2001. Establishment

There is hereby established the "Capital Outlay Match Funding Special Revenue Fund" (hereinafter "Fund"). During the annual appropriation the Navajo Nation Council shall appropriate two million dollars (\$2,000,000) to the Fund from any sources of income that becomes available to the Navajo Nation. Any money deposited into the Fund, plus accrued interest, shall be used only as provided herein. These funds shall not lapse on an annual basis, pursuant to 12 N.N.C. § 820(N).

§ 2010. Purpose

A. The purpose of this Fund is to establish a special fund to provide match, supplemental funding and cost reimbursement for the States of Arizona, Utah and New Mexico and Federal grants that partially funded capital outlay improvement and local government projects, as defined by 12 N.N.C. § 810 (F) and (N) (hereinafter

"Project") that benefit the Navajo people residing on the Navajo Nation and fund any stage of the Project such as, but not limited to planning, designing, and construction. The Fund is created to address the following:

1. When applying for State and/or Federal funds to fund a Project, the State or Federal government may require the Navajo Nation to match the amount that is funded or another identified amount as set forth by the grant requirement;

2. Often times the Navajo Nation applies for funds from the State and/or Federal government to assist with funding the Project and when the grant is approved, the Project is partially funded. This Fund is to assist the Project that has a short-fall and to supplement the funding that has been received by the State and/or Federal Government. ~~said states will require the Navajo Nation to match fund and/or cost reimburse the capital outlay projects that benefit the Navajo people residing on the Navajo Nation in the respective States, and there is no ready source of funds within the budget of the Navajo Nation to make the match and/or cost reimbursement.~~

3. When receiving funds from the State and/or Federal government, the grant may fund the Project on a cost-reimbursement basis. To assist with funding the Project, the Navajo Nation may use this Fund to assist with the cost of the Project until the Navajo Nation receives a reimbursement from the State and/or Federal government.

B. This Fund is created to address ~~theis~~ deficiencies as provided in subsection A of this section.

§ 2020. Program administration

A. Legislative oversight. The ~~Transportation and Community Resources and Development~~ Committee of the Navajo Nation Council shall provide legislative oversight to ensure the purpose of this Fund is being fulfilled. ~~review and approve all requests from the Navajo local chapters and Navajo government branches, divisions, departments and programs that require the use of money from the Fund for match funding and/or cost reimburse capital outlay projects that are partially funded by the States of Arizona, Utah or New Mexico.~~

B. Program management. ~~The Capital Improvement Office of the Division of Community Development shall have the authority and responsibility to use the Fund consistent with the purposes as provided in § 2010 to match fund and/or cost reimburse capital outlay projects that are partially funded by the States of Arizona, New Mexico and Utah with concurrence by the Transportation and Community Development Committee of the Navajo Nation Council in conformance with § 2030(C), Matching Practices. Such requests for funding road and airport projects and shall follow the established process policies including, but not limited to the budget instructions manual and capital improvement project policies and procedures. The Division of Community Development shall review and approve all requests from the Navajo Nation chapters and Navajo Nation government branches, divisions, departments and programs.~~

§ 2030. Fund management

A. Fund accounting

1. The records and books of account for the Fund shall be kept separate from the Navajo Nation General Fund with its own balance sheet and revenue and expenditure statement. The day-to-day accounting for the Fund shall be performed by the Navajo Nation Division of Finance in accordance with generally accepted accounting principles.

2. ~~The Capital Improvement Office~~ Division of Community Development shall account for the money spent out of the Fund. Such accounting shall be included as part of the quarterly program reports submitted to the ~~Transportation and Community Resources and~~ Development Committee of the Navajo Nation Council and the Navajo Nation Council.

B. Investment goals and objectives. All monies deposited into the Fund shall be invested as soon as practicable in accordance with:

1. The degree of care exercised by reasonable and prudent managers of investments intended to produce maximum growth of the investments with a high degree of safety; and

2. The Investment Objectives and Investment Policies of the Navajo Nation as formally adopted by the Budget and Finance Committee of the Navajo Nation Council.

C. Indirect Cost. Matching and cost reimbursement practices. ~~The Fund shall be used to match fund and/or cost reimburse capital improvement projects, as defined at 2 N.N.C. § 810(F) of the Navajo Nation Appropriations Act, that are partially funded by the States of Arizona, Utah and New Mexico for the construction of, including but not limited to, preschool buildings, chapter houses and multi purpose buildings on the Navajo Nation. The monies can be used to fund any stage of the projects such as planning, designing, required clearances, construction, etc. The Transportation and Community Development Committee of the Navajo Nation Council shall approve the use of the monies in the Fund. This provision shall not deemed to waive or amend any requirement of law concerning the recovery of indirect costs, including 2 N.N.C. § 824(B)(9).~~

§ 2040. Effective date

The effective date of the Fund shall be the beginning of Fiscal Year 2001 and shall remain in effect until the Navajo Nation Council terminates the Fund by resolution.

§ 2050. Audit requirements

The Fund shall be audited annually by independent auditors as part of the overall audit of the Navajo Nation government.

§ 2070. Amendments

This Fund Plan of Operation shall be amended by the Navajo Nation Council from time to time upon the recommendation of the Transportation and Community Resources and Development Committee of the Navajo Nation Council.

Section Four. Effective Date

The amendments to this Chapter are effective upon its approval pursuant to 2 N.N.C. § 221.

Section Five. Codification

The provisions of this resolution 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 include these statutory provisions in the next codification or supplement of the Navajo Nation Code that corresponds to the effective date of these provisions, to the extent practicable.

Section Six. Saving Clause

Should any provision of this enactment at 12 N.N.C. §§ 2001-2070 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, those portions of the enactment, which are not determined invalid, shall remain the law of the Navajo Nation.

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 14 in favor and 0 opposed, this 26th day of January 2017.




LoRenzo C. Bates, Speaker
Navajo Nation Council

2-1-17
Date

Motion: Herman M. Daniels
Second: Jonathan Perry

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 10th day of February 2017.



Russell Begaye, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2017 for the reason(s) expressed in the attached letter to the Speaker.

Russell Begaye, President
Navajo Nation

2

23rd Navajo Nation Council
Winter Session

DATE: January 26, 2017

Legislation D344-16 (Main Motion)

Motion: Daniels

Second: Perry

ALL DELEGATES:

	Yea	Nay
BATES, LoRenzo		
BEGAY, Kee Allen Jr.	✓	
BEGAY, Norman M.		
BEGAYE, Nelson	✓	
BENNETT, Benjamin L.	✓	
BROWN, Nathaniel		
CHEE, Tom T.	✓	
CROTTY, Amber K.		
DAMON, Seth		
DANIELS, Herman	✓	
FILFRED, Davis	✓	
HALE, Jonathan L.	✓	
JACK, Lee Sr.		
PERRY, Jonathan	✓	
PETE, Leonard H.		
PHELPS, Walter	✓	
SHEPHERD, Alton Joe		
SLIM, Tuchoney Jr.	✓	
SMITH, Raymond Jr.		
TSO, Otto	✓	
TSOSIE, Leonard		
WITHERSPOON, Dwight	✓	
YAZZIE, Edmund	✓	
YAZZIE, Peterson	✓	

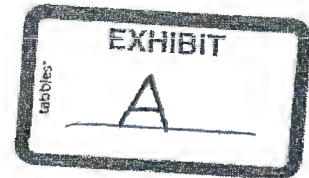
GRAND TOTAL

14 0

CERTIFICATION:



Honorable LoRenzo Bates
Speaker



CAPITAL OUTLAY MATCH FUNDING SPECIAL REVENUE FUND

12 N.N.C. § 2001 *et. seq.*

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Document No. 006357

Date Issued: 07/18/2016

RECEIVED

SECTION 164 REVIEW FORM

Title of Document: Match Fund Policy-Amendments to Capital Contact Name: CAPITAL IMPROVEMENT OFFICE

Program/Division: Outlay Match
DIV. OF COMMUNITY DEVELOPMENT

Email: casey@nncio.org Phone Number: 871-6211/6170

Division Director Approval for 164A: CB [Signature]

Check document category: only submit to category reviewers. Each reviewer has a maximum 7 working days, except Business Regulatory Department which has 2 days, to review and determine whether the document(s) are sufficient or insufficient. If deemed insufficient, a memorandum explaining the insufficiency of the document(s) is required.

Section 164(A) Final approval rests with Legislative Standing Committee(s) or Council

<input checked="" type="checkbox"/>	Statement of Policy or Positive Law:		Sufficient	Insufficient
	1. OAG: <u>[Signature]</u>	Date: <u>7/19/16</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	IGA, Budget Resolutions, Budget Reallocations or amendments: (OMB and Controller sign ONLY if document expends or receives funds)			
	1. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

Section 164(B) Final approval rests with the President of the Navajo Nation

<input type="checkbox"/>	Grant/Funding Agreement or amendment:			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	4. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Subcontract/Contract expending or receiving funds or amendment:			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. BRD: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	4. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	5. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Letter of Assurance/M.O.A./M.O.U./Other agreement not expending funds or amendment:			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	M.O.A. or Letter of Assurance expending or receiving funds or amendment:			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	4. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



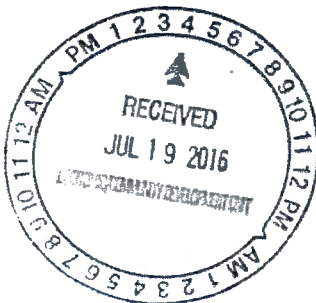
RESUBMITTAL

DOJ 07-19-16 3:25 pm DATE / TIME 7 Day Deadline DOC #: 006357 SAS #: UNIT: ECDU

*** FOR NNDJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. ***

CLIENT TO COMPLETE: DATE OF REQUEST: 7/19/2016 DIVISION: Community Development CONTACT NAME: Marie R. Begay DEPARTMENT: Capital Improvement Office PHONE NUMBER: 871-6170 E-MAIL: marierb@nncio.org TITLE OF DOCUMENT: Match Fund Policy and Procedure - Amendments to Capital Outlay Match DOJ SECRETARY TO COMPLETE: DATE/TIME IN UNIT: 7-19-16 3:55 pm REVIEWING ATTORNEY/ADVOCATE: Latonia Johnson DATE TIME OUT OF UNIT: DOJ ATTORNEY / ADVOCATE COMMENTS: Sufficient REVIEWED BY: (Print) Date / Time SURNAMED BY: (Print) Date / Time LBJ 7/19/16 4:57pm LBJ 7/19/16 4:57pm DOJ Secretary Called: Irma Julian for Document Pick Up on 7/20/16 at 8:15 By: AH PICKED UP BY: (Print) DATE / TIME:

NNDJ/DRRF-July 2013





Marie R. Begay <marierb@nncio.org>

Fwd: Amendments to the Capital Outlay Match

Casey Begay <casey@nncio.org>

Fri, Jul 15, 2016 at 4:57 PM

To: "Marie R. Begay" <marierb@nncio.org>

Cc: "Jacquelyn F. Morgan" <jackie@nncio.org>, Margaret Begay <margaret@nncio.org>, Elmer Johnson <ejohnson@nncio.org>, "Leland K. Dayzie" <lksdayzie@nncio.org>, Irma Julian <irma@nncio.org>, Rory Jaques <roryaj@nncio.org>

Marie,

I printed the attachment for you. And I would like you to proceed to process through the 164 process to amend the NN STATE MATCH FUND policy and procedure. If you have any questions, please confer with me. Thank you.

----- Forwarded message -----

From: LaTonia Becenti-Johnson <lbjohnson@nndoj.org>

Date: Tue, May 3, 2016 at 10:13 AM

Subject: Amendments to the Capital Outlay Match

To: "Casey Begay (casey@nncio.org)" <casey@nncio.org>

Cc: "csmith@nndcd.org" <csmith@nndcd.org>, "Brenda Holgate (bholgate@nndcd.org)" <bholgate@nndcd.org>

Casey,

Attach please find the amendments to the Capital Outlay Match Fund. I also attached the TCDC Objective Criteria.

If you have any questions, please let me know.

Best, LaTonia

--

LaTonia Becenti Johnson, Attorney

Economic and Community Development Unit
Department of Justice/Office of the Attorney General

Navajo Nation
Post Office Box 2010
Window Rock, Arizona 86515
(928) 871-6932 and 6933
(928) 871-6200 (f)
lbjohnson@nndoj.org

Notice to Recipient: This email is meant for the only intended recipient of the transmission and may be a