

LEGISLATIVE SUMMARY SHEET
Tracking No. 0160-23

DATE: July 27, 2023

TITLE OF RESOLUTION: A PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; RESCINDING RCJN-86-01 EDCAU-60-03, AND EDCJY-35-09; AND, APPROVING OVERSIGHT COMMITTEE BUDGET MEETING PROCEDURES

PURPOSE: The purpose of this resolution is to rescind Resolutions RCJN-86-01, EDCAU-60-03 and EDCJY-35-09. This legislation, if approved, would approve the Oversight Committee Budget Meeting Procedures for Fiscal Year 2024.

This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed legislation in detail.

5-DAY BILL HOLD PERIOD Al Mike
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1 PROPOSED STANDING COMMITTEE RESOLUTION
2 25th NAVAJO NATION COUNCIL -- First Year, 2023

3 INTRODUCED BY

4 
5 _____
6 (Prime Sponsor)

7
8 TRACKING NO. 0160-23

9
10 AN ACTION

11 RELATING TO RESOURCES AND DEVELOPMENT; RESCINDING RCJN-86-01
12 EDCAU-60-03, AND EDCJY-35-09; AND, APPROVING OVERSIGHT COMMITTEE
13 BUDGET MEETING PROCEDURES

14
15 BE IT ENACTED:

16 **Section One. Authority**

- 17 A. The Resources and Development Committee is a standing committee of the Navajo
18 Nation Council. 2 N.N.C. § 500(A).
- 19 B. "References in the Navajo Nation Code and other official documents to the
20 Resources, Transportation and Community Development and Economic
21 Development Committees shall mean the Resources and Development Committee,
22 unless the amendments enacted herein for the context of previous law indicates
23 otherwise." CO-45-12 Section Five; CJA-03-13 overriding the Navajo Nation
24 President's veto of CO-45-12.
- 25 C. "Each oversight committee shall review and make recommendations to the Budget
26 and Finance Committee concerning the budget in accordance with the annual
27 budget instructions. The oversight committees may hold public hearings at each
28 agency with programs under their oversight and take testimony on the budget. The
29 oversight committees shall make recommendations concerning the budget and pass
30 resolutions recommending appropriations and conditions of appropriations for

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

5 **Section Two. Findings**

- 6 A. The former Resources Committee approved Resolution RCJN-86-01, attached as
7 **Exhibit 1**. The former Economic Development Committee approved Resolutions
8 EDCAU-60-03, attached as **Exhibit 2**, and EDCJY-35-09, attached as **Exhibit 3**.
9 The resolutions approved rules for conducting budget hearings.
- 10 B. The Resources and Development Committee used Resolution RCJN-86-01 during
11 the fiscal year 2023 budget season. The Resources and Development Committee
12 was unaware of Resolutions EDCAU-60-03 and EDCJY-35-09 which had not been
13 rescinded.
- 14 C. In the interest of treating each of the three resolutions with equal weight and with
15 the goal of having uniform standing committee budget procedures for conducting
16 standing committee budget meetings, Resolutions RCJN-86-01, EDCAU-60-03
17 and EDCJY-35-09 should be rescinded.
- 18 D. In the interest of adopting uniform standing committee procedures for conducting
19 the Fiscal Year 2024 budget meetings, PROCEDURES FOR OVERSIGHT
20 COMMITTEE MEETINGS, PROGRAM BUDGETS FOR FY2024, are proposed
21 for approval. The document PROCEDURES FOR OVERSIGHT COMMITTEE
22 MEETINGS, PROGRAM BUDGETS FOR FY2024 is attached as **Exhibit 4**.
23

24 **Section Three. Rescinding Resources Committee and Economic Development**
25 **Committee Resolutions**

- 26 A. The Resources and Development Committee of the Navajo Nation Council hereby
27 rescinds RCJN-86-01, EDCAU-60-03 and EDCJY-35-09.
- 28 B. The Resources and Development Committee of the Navajo Nation Council hereby
29 rescinds any other Resources Committee, Economic Development Committee and
30 Transportation and Community Development Committee resolutions which

1 approved budget hearing and budget meeting rules, procedures or guidelines.
2

3 **Section Four. Approving Procedures for Oversight Committee Meetings for**
4 **Approving Budgets for the Fiscal Year 2024**

5 The Resources and Development Committee of the Navajo Nation Council hereby
6 approves the Procedures for Oversight Committee Meetings for Approving Budgets for
7 the Fiscal Year 2024, attached as **Exhibit 4**.
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RCJN-86-01

RESOLUTION
OF THE RESOURCES COMMITTEE
OF THE NAVAJO NATION COUNCIL

Adopting Rules of Order for Conducting Budget Hearings

WHEREAS:

1. Pursuant to 2 N.N.C. § 691, the Resources Committee is established and continued as a standing committee of the Navajo Nation Council; and

2. Pursuant to 2 N.N.C. § 185 (D), the Resources Committee of the Navajo Nation Council 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. The Resources Committee of the Navajo Nation Council determines that it is appropriate and necessary to establish rules for the purposes of governing budget hearings.

NOW THEREFORE BE IT RESOLVED THAT:

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

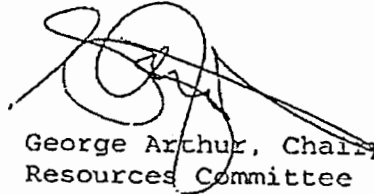
2. The Resources Committee of the Navajo Nation Council determines that the Rules of Order shall be effective upon passage of this resolution and shall remain in effect until amended or repealed by the Committee.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Resources Committee of the Navajo Nation Council at a duly called meeting at Window Rock,

RCJN-86-01

Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 7 in favor, 0 opposed and 0 abstained, this 11th day of June, 2001.



George Arthur, Chairperson
Resources Committee

Motion: Robert B. Whitehorse
Second: Norman John, II

EXHIBIT A

Rules of Order for Conducting Budget Hearings

1. The Chairperson of the Resources Committee shall preside over the hearings and maintain decorum and order; the Vice Chairperson of the Resources Committee shall preside in the absence of the Chairperson. The Committee may select a Pro-Tempore Chairperson in the absence of both the Committee Chairperson and Vice Chairperson.
 2. All members of the Committee shall be allowed to ask questions of the presenters.
 3. Formal Rules of Evidence and Procedures shall not apply to the budget hearings. The Chairperson may exclude evidence that is irrelevant, immaterial or unduly repetitious.
 4. The Office of Management & Budget personnel shall read into the record the funding summaries for the Divisions, departments and programs prior to commencing presentation by the presenters.
 5. All presenters shall be sworn and present testimony under oath.
 6. Presenters shall be given a maximum of twenty (20) minutes or less for oral testimony or may be extended by any Committee member.
 7. In addition to oral testimony, presenters shall be allowed to submit written testimony including any other documents and materials in support of their testimony. The presenter shall identify such materials and documents for the record.
 8. Testimony shall be pertinent to the issue(s) identified by the Committee. Testimony shall not include matters that are currently in litigation or in the grievance process, except as they relate to the financial impact for budget hearings.
 9. Recommendations shall be rendered by the Committee in accordance with the Fiscal Year Budget Manual for budget hearings and within no more than thirty (30) calendar days after the conclusion of the budget hearings.
 10. All hearings shall be open to the public, except when the Committee determines that issues and subjects presented to the Committee are sensitive and confidential in nature at which time the Committee may convene into an executive session.
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**RESOLUTION OF THE
ECONOMIC DEVELOPMENT COMMITTEE
OF THE NAVAJO NATION COUNCIL**



Adopting Rules of Procedures for Budget Hearings

WHEREAS:


1. Pursuant to 2 N.N.C. §721, the Economic Development Committee is established and continued as a standing committee of the Navajo Nation Council; and
2. Pursuant to 2 N.N.C. §724, Powers; (G) Oversight, the Economic Development Committee of the Navajo Nation Council shall serve as the oversight committee of the Division of Economic Development or its successor in responsibility, including those activities which deal with the planning, development, promotion and oversight of economic development activities; and
3. By Resolution BFMY-79-03, the Budget and Finance Committee of the Navajo Nation Council adopted the Fiscal Year 2004 General Budget Policies and Instructions, wherein the oversight committees may conduct oversight budget hearings; and
4. A set of Rules of Procedures to govern the Economic Development Committee's budget hearings is necessary to have an orderly hearing process; and
5. The set of Rules of Procedures for 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 Economic Development Committee of the Navajo Nation Council hereby adopts the Rules of Procedures for Budget Hearings, attached hereto and incorporated herein as Exhibit "A".
2. The Economic Development Committee of the Navajo Nation Council further directs and authorizes the Rules of Procedure for Budget Hearings, attached hereto and incorporated herein as Exhibit "A", shall become effective immediately upon passage and shall remain in effect until repealed or amended by the Economic Development Committee of the Navajo Nation Council.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Economic Development Committee of the Navajo Nation Council at a duly called meeting in St. Michaels, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 5 in favor, 0 opposed and 0 abstained, this 11th day of August 2003.


Lawrence R. Platero, Chairperson
Economic Development Committee

Motion: Tim C. Morgan
Second: Roy Dempsey

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.

RESOLUTION OF THE
ECONOMIC DEVELOPMENT COMMITTEE
OF THE NAVAJO NATION COUNCIL

21ST NAVAJO NATION COUNCIL – THIRD YEAR, 2009

AN ACTION

RELATING TO ECONOMIC DEVELOPMENT; REAFFIRMING AND APPROVING THE
RULES OF ORDER FOR CONDUCTING BUDGET HEARINGS FOR THE ECONOMIC
DEVELOPMENT

BE IT ENACTED:

The Navajo Nation hereby reaffirms and approves the Rules of Order for Conducting Budget Hearings for the Economic Development Committee as found attached hereto as Exhibit "A".

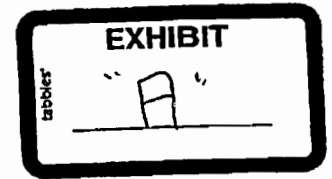
CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Economic Development Committee of the Navajo Nation Council at a duly called meeting held at Church Rock, Navajo Nation (New Mexico) which a quorum was present and that the same was passed by a vote of 3 in favor, 2 opposed, this 27th day of July , 2009.



Mel R. Begay, Pro Tem
Economic Development Committee

Motion: Tom LaPahe
Second: Tommy Tsosie



RULES OF ORDER FOR CONDUCTING BUDGET HEARINGS

1. The Chairperson of the Economic Development Committee (EDC) shall preside over the hearings and maintain decorum and order; the Vice Chairperson of the EDC shall preside in the absence of the Chairperson. The Chairperson may select a Pro-Tempore Chairperson in the absence of both the Committee Chairperson and Vice-Chairperson.
2. All members of the Committee shall be allowed to ask questions of the presenters.
3. Formal Rules of Evidence and Procedures shall not apply to the budget hearings. The Chairperson may exclude that is irrelevant, immaterial or unduly repetitious.
4. The Office of Management and Budget personnel shall read into record the funding summaries for the Divisions, Departments and Programs prior to the commencing presentation by the presenters.
5. All presenters shall be sworn and present testimony under oath.
6. Presenters shall be given a maximum of twenty (20) minutes or less for oral testimony or may extend by any Committee Member.
7. In addition to oral testimony, presenters shall be allowed to submit written testimony including any other documents and materials in support of their testimony. The presenter shall identify such materials and documents for the record.
8. Testimony shall be pertinent to the issue(s) identified by the Committee. Testimony shall not include matters that are currently in litigation or in the grievance process, except as they relate to the financial impact for budget hearings.
9. Recommendations shall be rendered by the Committee in accordance with the Fiscal Year Budget Manual for budget hearings and within no more than thirty (30) calendar days after the conclusion of the budget hearings.
10. All hearings shall be open to the public, except the Committee determines that issues and subjects presented to the Committee are sensitive and confidential in nature at which time the committee may convene into an Executive Session.

ORIGINAL



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 simple 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.

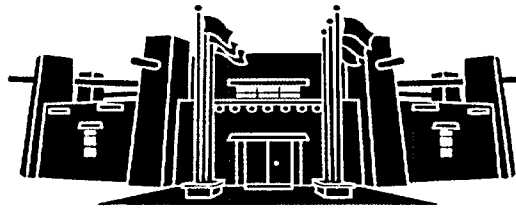
11. When, and if, a proposed amendment to the Program's detailed budget is approved by the Committee, the Committee Advisor will add the approved amendment to Exhibit C. The Program(s) shall work with OMB to revise Exhibit B, when necessary, to reflect the approved amendments made to the detailed budgets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



MEMORANDUM

TO: Honorable Brenda Jesus
Oaksprings, St. Michaels Chapter

FROM: Mariana Kahn
Mariana Kahn, Attorney
Office of Legislative Counsel

DATE: July 27, 2023

SUBJECT: A PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; RESCINDING RCJN-86-01, EDCAU-60-03, AND EDCJY-35-09; AND, APPROVING OVERSIGHT COMMITTEE BUDGET MEETING PROCEDURES

I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Please ensure that this particular resolution request is precisely what you want.

Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government, however, it can be subject to review by the courts in the event of proper challenge. The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees' powers 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).

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0160-23_

SPONSOR: Brenda Jesus

TITLE: An Action Relating to Resource and Development: Rescinding RCJN-86-01, EDCAU-60-03, and EDCJY-35-09; and, Approving Oversight Committee Budget Meeting Procedures

Date posted: July 27, 2023 at 7:05PM

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

Written comments may be mailed to:

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.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*