

LEGISLATION SUMMARY

TrackingNo. 0045-22

Date: March 2, 2022

Re: **AN ACT RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION COUNCIL; APPROVING \$4,000,000 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE ("UUFB") FOR THE NAVAJO NATION DEPARTMENT OF JUSTICE WATER RIGHTS LITIGATION UNIT TO CONTINUE LITIGATING AND PROTECTING THE NAVAJO NATION'S WATER RIGHTS; WAIVING 12 N.N.C. §820(E), §820(F), §820(J), and §820(L)**

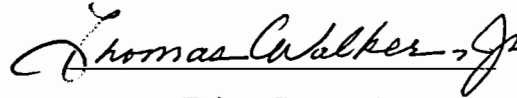

Purpose: to approve \$4,000,000 from the UUFB for DOJ to continue litigating the Nation's water rights; and waiving 12 N.N.C. §820(E), §820(F), §820(J), and §820(L) to allow the UUFB to be used for recurring government expenses.

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: 6:32pm; 03-03-22
Posting End Date: 03-08-22
Eligible for Action: 03-09-22

Resources & Development Committee
Thence
Budget & Finance Committee
Thence
Naabik'iyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL - Fourth Year, 2022

Introduced by:


(Prime Sponsor) 

Tracking No. 0045-22

AN ACT

RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND
FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO
NATION COUNCIL; APPROVING \$4,000,000 FROM THE UNRESERVED,
UNDESIGNATED FUND BALANCE ("UUF") FOR THE NAVAJO NATION
DEPARTMENT OF JUSTICE WATER RIGHTS LITIGATION UNIT TO
CONTINUE LITIGATING AND PROTECTING THE NAVAJO NATION'S
WATER RIGHTS; WAIVING 12 N.N.C. §820(E), §820(F), §820(J), and §820(L)

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Resources and Development Committee was established as a standing committee of the Navajo Nation Council with oversight over water matters and the authority to make recommendations to the Navajo Nation Council regarding proposed resolutions that required the Council's final approval to accomplish or impact the Resources and Development Committee's purposes. 2 N.N.C. §500 (C)(1), §501(B)(4)(f).

B. The Budget and Finance Committee was established as a standing committee of the Navajo Nation Council with the authority to review and recommend to the Council the budgeting, appropriation, investment and management of all funds. 2 N.N.C. §300(A), §301(B)(2).

C. The Naabik'iyáti' Committee was established as a standing committee of the Navajo

1 Nation Council with authority to hear all proposed resolutions that require final action by
2 the Navajo Nation Council. 2 N.N.C. §164 (A)(9), §700(A).

3 D. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A).

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

9 E. The restrictions on supplemental appropriations, including all amounts from the UUFB,
10 include:

11 1. Payment of recurring government operating expenses shall be from recurring revenues,
12 and payment of nonrecurring expenses shall be from nonrecurring revenues such as
13 UUFB funds. 12 N.N.C. §820(E), §820(F).

14 2. Specifically, the UUFB shall not be used for recurring government expenditures or
15 operations. 12 N.N.C. §820(J), §820(L).

16 3. Nonrecurring revenues such as UUFB funds may be used only after the Controller
17 determines whether or not such revenues are subsidizing an imbalance between the
18 Navajo Nation’s recurring revenues and expenditures, and government expenditures
19 shall only be authorized if a long-term (3-year to 5-year year) forecast shows that the
20 operating deficit will not continue; otherwise, nonrecurring revenues will be added to
21 the Unreserved, Undesignated Fund Balance. 12 N.N.C. §820(F).

22 4. The above provisions in Title 12 may be amended or waived by a two-thirds vote of the
23 full Navajo Nation Council. 12 N.N.C. §820(F), 12 N.N.C. §880.

24 5. In compliance with 12 N.N.C. §820(F) all UUFB funding requests must be reviewed by
25 the Controller. Such review is also required because the Controller determines which
26 revenues and expenses are recurring and which are non-recurring. 12 N.N.C. §820(L).

27 6. In compliance with 12 N.N.C. §820(M) all UUFB funding requests must be submitted to
28 the Office of Management and Budget (“OMB”) for a budget impact analysis.

29 7. Supplemental funding such as UUFB appropriations shall lapse at the end of the current
30 fiscal year unless the Navajo Nation Council decides otherwise. 12 N.N.C. §820(N).

1 **SECTION TWO. FINDINGS.**

2 A. The Water Rights Litigation Unit of the Navajo Nation Department of Justice (“DOJ”) is
3 requesting \$4,000,000 out of the UUFB to fund its continuing litigation activities to protect
4 the Navajo Nation’s water rights.

5 B. Based on *Tó’ée’iiná* (water is life), the Navajo Nation Council finds that water is essential
6 “to provide for a permanent homeland for the Navajo People.” 22 N.N.C. §1101.

7 C. According to 22 N.N.C. §1104 the Navajo Nation’s water rights pertain to:

- 8 1. all waters reserved at any time for any purpose to the Navajo Nation, and to Navajo
9 Indian lands by the Navajo Nation or by the United States including any waters which,
10 in the course of nature or as the result of artificial works or artificial streamflow
11 enhancement or weather modification methods, flow into or otherwise enhance such
12 waters;
- 13 2. all waters held by the Navajo Nation through prior or existing use, appropriation,
14 purchase, contract, gift, bequest, or other means of acquisition;
- 15 3. all surface and groundwaters which are contained within hydrologic systems located
16 exclusively within the lands of the Navajo Nation; and
- 17 4. all groundwaters located beneath the surface of the lands held in trust by the United
18 States of America for the Navajo Nation.

19 D. The Navajo Nation Council has long recognized that many Navajo communities have
20 severe water infrastructure deficiencies that negatively impact the Navajo Nation’s
21 economy and the health and well-being of the Navajo people.

22 E. In Resolution No. CMY-47-02, the Navajo Nation Council determined that “water rights
23 claims of the Navajo Nation must be placed as a top priority of the Navajo government.
24 Water is one of the fundamental aspects of Navajo customs and must be protected. Without
25 the assurance that Navajo water rights claims is a top priority, the Navajo Nation stands to
26 lose its rightful claim to the allocation of wet water from the Little Colorado River”
27 The Council further found that “it is in the best interest of the Navajo Nation that funding
28 for the pursuit of Navajo Nation Water Rights should be afforded the highest priority in
29 future budget development actions by the Navajo Nation and therefore believes such
30 funding should be made available to pursue Water Rights Claims in a special fund.”

1 F. To comply with the mandate in CMY-47-02, the Navajo Nation Council enacted the
2 Navajo Nation Water Rights Claims Fund (“Claims Fund”) and appropriated a minimum of
3 \$2,000,000.00 (two million dollars) into the Claims Fund to provide annual funding for the
4 litigation and protection of the Navajo Nation’s water rights in the States of Arizona, Utah,
5 and New Mexico. The Council also delegated the authority to approve the budget for the
6 Claims Fund to the Navajo Nation Water Rights Commission.

7 G. The annual budget for the Claims Fund consists of allocations to the Navajo Nation
8 Department of Water Resources - Water Management Branch, which provides technical
9 work regarding the Nation’s water rights; to the Navajo Nation Water Rights Commission,
10 which provides public education regarding the Nation’s water rights efforts; and to the DOJ
11 Water Rights Litigation Unit, which provides legal representation for the Navajo Nation’s
12 water rights claims.

13 H. Due to increased litigation costs, the amount in the Claims Fund specifically reserved for
14 payments to outside counsel and expert witnesses, will soon be fully depleted in Fiscal
15 Year 2022.

16 I. If such reserves are exhausted, the Navajo Nation will no longer be able to litigate its water
17 rights on its own, and will be forced to rely on the United States, as trustee, to protect the
18 Nation’s interests. Such reliance could harm the Navajo Nation because the United States
19 also serves as trustee for other tribes regarding commonly-held water resources.

20 J. The Attorney General and the DOJ Water Rights Litigation Unit have submitted
21 memoranda explaining the **CONFIDENTIAL NATURE OF ALL DOCUMENTS** that
22 DOJ has provided in support of its UUFB request. **EXHIBIT 1.** Pursuant to 2 N.N.C.
23 §164(A)(6) and §1964(G), the **Attorney General has designated all such documents as**
24 **CONFIDENTIAL and such documents shall not be publicly released.**

25 K. DOJ has provided a CONFIDENTIAL memorandum to the Navajo Nation President and
26 Chief of Staff, dated December 30, 2021, which is a narrative in support of its UUFB
27 request. **EXHIBIT 2.**

28 L. DOJ has provided its “Supplemental Funding Proposal Summary” (Appendix K) and
29 related budget forms, including Attachments A-D to Appendix K, all of which are deemed
30 CONFIDENTIAL documents. **EXHIBIT 3.**

1 M. The Executive Branch has completed its Section 164 Review of DOJ's UUFB funding
2 request, and the CONFIDENTIAL review documents are attached as **EXHIBIT 4**.

3 N. As required by 12 N.N.C. §820(F) and §820(L), the Office of the Controller ("OOC") has
4 prepared a CONFIDENTIAL memorandum, dated December 20, 2021, regarding this
5 UUFB request. **EXHIBIT 5**. OOC has designated DOJ's water rights litigation costs as
6 "recurring" so a waiver of the requirements in 12 N.N.C. §820(E), §820(F), §820(J), and
7 §820(L) is necessary.

8 O. OMB was asked for a budget impact analysis pursuant to 12 N.N.C. §820(M). This
9 analysis may be provided to the assigned Committees and the Navajo Nation Council when
10 this legislation is up for consideration. OMB did indicate on the Section 164 review sheet
11 that this funding request is "sufficient." EXHIBIT 4.

12 P. It is in the best interest of the Navajo Nation to approve DOJ's UUFB supplemental
13 funding request, as set forth in the attached EXHIBITS 2 and 3.

14
15 **SECTION THREE. APPROVAL OF \$4,000,000 OUT OF THE UUFB FOR THE**
16 **DOJ WATER RIGHTS LITIGATION UNIT**

17 A. The Navajo Nation hereby approves a supplemental appropriation of four-million dollars
18 (\$4,000,000) out of the Unreserved, Undesignated Fund Balance to the Navajo Nation
19 Department of Justice Water Rights Litigation Unit, WRU Business Unit No. N01372, as
20 explained in the attached EXHIBITS 2 and 3. The purpose of this \$4,000,000 UUFB
21 allocation is to fund litigation and related expenses that are necessary and appropriate for
22 DOJ to continue protecting and securing the Navajo Nation's water rights.

23 B. The \$4,000,000 for DOJ approved herein shall be from those funds that exceed the 10%
24 minimum balance of the UUFB which must be maintained according to 12 N.N.C. §820(J).

25 C. The \$4,000,000 UUFB amount for DOJ approved herein shall **not** lapse at the end of Fiscal
26 Year 2022, as would otherwise occur pursuant to 2 N.N.C. §820(N).

27
28 **SECTION FOUR. WAIVING 12 N.N.C. §820(E), §820(F), §820(J), and §820(L)**

29 The Navajo Nation hereby waives 12 N.N.C. §820(E), §820(F), §820(J), and §820(L) to allow
30 use of the \$4,000,000 UUFB amount by DOJ for its Water Rights Litigation Unit to continue

1 litigating and protecting the Navajo Nation's water rights. This waiver is necessary because
2 the proposed DOJ expenditures are considered recurring expenses.

3
4 **SECTION FIVE. EFFECTIVE DATE**

5 This Act shall become effective pursuant to 2 N.N.C. §221(B) and 2 N.N.C. §164(A)(17).
6

7 **SECTION SIX. SAVING CLAUSE**

8 If any portion of this Act is determined invalid by the Navajo Nation Supreme Court, or by a
9 District Court of the Navajo Nation without appeal to the Navajo Nation Supreme Court, the
10 remainder of this Act shall be the law of the Navajo Nation.
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NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

DOREEN N. McPAUL
Attorney General

KIMBERLY A. DUTCHER
Deputy Attorney General

MEMORANDUM

TO: Dana L. Bobroff, Chief Legislative Counsel
Office of Legislative Counsel

FROM:

Doreen N. McPaul

Doreen N. McPaul, Attorney General
Kimberly A. Dutcher, Deputy Attorney General
Navajo Nation Department of Justice

DATE: January 26, 2022

SUBJECT: **Exhibits for Doc. 017837: Proposed Legislation Seeking FY2022
Supplemental Funding for the Water Rights Unit**

Generally, exhibits to legislation are posted online for public view. However, pursuant to 2 N.N.C. §164(A)(6), "[a]ny matters or exhibits determined by the Navajo Nation Department of Justice to be confidential shall be properly marked 'confidential' and shall not be placed on the website or otherwise released." There are two Attachments (A and B) for the above referenced legislation which DOJ deems confidential and should be kept from public view. Under 2 N.N.C. §1964(G), only the Attorney General is authorized to waive the confidential and attorney-client privileged communication. Since these exhibits contain such sensitive information, the Attorney General maintains the confidentiality of these documents.

If you have any questions concerning this memorandum, please contact the Office of the Attorney General office at (928) 871-6345. Thank you.

Exhibit 2

CONFIDENTIAL

Exhibit 3

CONFIDENTIAL

CONFIDENTIAL

Attachment A

CONFIDENTIAL

Attachment B

CONFIDENTIAL

Attachment C

CONFIDENTIAL

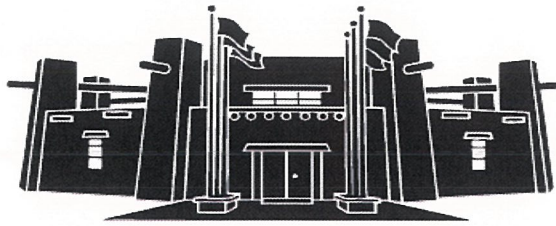
Attachment D

Exhibit 4

CONFIDENTIAL


Exhibit 5

CONFIDENTIAL



MEMORANDUM

To: Hon. Thomas Walker, Jr., Vice-Chair
Resources and Development Committee
24th Navajo Nation Council

From: 
Luralene D. Tapahe, Principal Advocate
Office of Legislative Counsel

Date: March 2, 2022

Subject: **AN ACT RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION COUNCIL; APPROVING \$4,000,000 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE ("UUF") FOR THE NAVAJO NATION DEPARTMENT OF JUSTICE WATER RIGHTS LITIGATION UNIT TO CONTINUE LITIGATING AND PROTECTING THE NAVAJO NATION'S WATER RIGHTS; WAIVING 12 N.N.C. §820(E), §820(F), §820(J), and §820(L)**

Per your request, the Office of Legislative Counsel has prepared the above-referenced proposed legislation and related summary sheet. Based on existing Navajo Nation law and other applicable laws, and upon review of all supporting documents regarding your request that were submitted to OLC, this legislation as drafted is legally sufficient. However, as with any action of government, this legislation may be subject to judicial review in the event of a legal challenge.

Please review this legislation to make sure it is drafted to your satisfaction, and that all necessary and appropriate supporting documents have been provided and all attached Exhibits are correct.

PLEASE NOTE: ALL EXHIBITS TO THIS LEGISLATION ARE DESIGNATED CONFIDENTIAL BY THE ATTORNEY GENERAL PURSUANT TO HER AUTHORITY UNDER 2 N.N.C. §164(A)(6) AND §1964(G) AND MUST NOT BE DISCLOSED TO THE PUBLIC OR TO OTHER UNAUTHORIZED PERSONS.

OLC has reviewed the appropriate standing committees' authorities to consider this legislation, based on the standing committees' powers and responsibilities set forth in Title 2 of the Navajo Nation Code. Based on its review, OLC has listed those committees in the title of this legislation. However, the Speaker may assign this legislation to any committee(s) other than those shown in the title, pursuant to his authority under 2 N.N.C. §164(A)(5).

If you find anything unacceptable, please let me know immediately and advise me of your desired changes. I can be reached at phone no. (928)871-7166 or by email at: LuraleneTapahe@navajo-nsn.gov
Thank you for your cooperation.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0045-22_

SPONSOR: Thomas Walker, Jr.

TITLE: An Act Relating to Resources and Development, Budget and Finance, and Naabik'íyáti' Committees, and the Navajo Nation Council; Approving \$4,000,000 from the Unreserved, Undesignated Fund Balance ("UUFB") for the Navajo Nation Department of Justice Water Rights Litigation Unit to Continue Litigating and Protecting the Navajo Nation's Water Rights; Waiving 12 N.N.C. § 820(E), § 820(F), § 820(J), and § 820(L)

Date posted: March 03, 2022 at 6:32PM

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.*

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0045-22

SPONSOR: Honorable Thomas Walker, Jr.

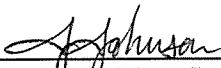
TITLE: An Act Relating to Resources and Development, Budget and Finance, and Naabik'íyáti' Committees, and the Navajo Nation Council; Approving \$4,000,000 from the Unreserved, Undesignated Fund Balance ("UUFb") for the Navajo Nation Department of Justice Water Rights Litigation Unit to Continue Litigating and Protecting the Navajo Nation's Water Rights; Waiving 12 N.N.C. § 820(E), § 820(F), § 820(J), and § 820(L)

Posted: March 03, 2022 at 6:32 PM

5 DAY Comment Period Ended: March 08, 2022

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Comments/Recommendations	<i>None</i>



Legislative Tracking Secretary
Office of Legislative Services

March 09, 2022; 8:00 AM
Date/Time

**RESOURCES AND DEVELOPMENT COMMITTEE
24th NAVAJO NATION COUNCIL**

FOURTH YEAR 2022

COMMITTEE REPORT

Mr. Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

LEGISLATION #0045-22: AN ACT RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; APPROVING \$4,000,000 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE ("UUF") FOR THE NAVAJO NATION DEPARTMENT OF JUSTICE WATER RIGHTS LITIGATION UNIT TO CONTINUE LITIGATING AND PROTECTING THE NAVAJO NATION'S WATER RIGHTS; WAIVING 12 N.N.C. § 820(E), § 820(F), § 820(J), AND § 820(L). *Sponsor: Honorable Thomas Walker, Jr.*

Has had it under consideration and reports a **DO PASS** with no amendments.

And thereafter the legislation was referred to the Budget and Finance Committee.

Respectfully submitted,



Rickie Nez, *Chairperson*
Resources and Development Committee of
the 24th Navajo Nation Council

Date: March 9, 2022 – Regular Meeting (Teleconference)
Location: Resources and Development Committee also called in via teleconference from their location within the boundary of the Navajo Nation.

Main Motion:

M: Kee Allen Begay, Jr. **S:** Mark A. Freeland **V:** 5-0-1 (CNV)
In Favor: Thomas Walker, Jr.; Kee Allen Begay, Jr.; Herman M. Daniels; Mark A. Freeland;
Wilson C. Stewart, Jr.
Opposition: None
Excuse: None
Not Voting: Rickie Nez, *Chairperson*

(NOTE: VOTE TALLY attached hereto)

24th NAVAJO NATION COUNCIL

Fourth Year 2022

Mr. Speaker:

The **BUDGET & FINANCE COMMITTEE** to whom has been assigned

NAVAJO LEGISLATIVE BILL # 0045-22:

An Act Relating to Resources and Development, Budget and Finance, and Naabik'iyáti' Committees, and the Navajo Nation Council; Approving \$4,000,000 from the Unreserved, Undesignated Fund Balance ("UUFB") for the Navajo Nation Department of Justice Water Rights Litigation Unit to Continue Litigating and Protecting the Navajo Nation's Water Rights; Waiving 12 N.N.C. § 820(E), § 820(F), § 820(J), and § 820(L) *Sponsored by Thomas Walker, Jr., Council Delegate*

has had it under consideration and reports the same with the recommendation that It **Do Pass** with 1 amendment.

Amendment 1:

1. On page 5, at lines 8-11, make the following changes:
O. ~~OMB was asked for~~ has prepared a budget impact analysis pursuant to 12 N.N.C. §820(M). ~~This analysis may be provided to the assigned Committees and the Navajo Nation Council when this legislation is up for consideration. OMB did indicate on the Section 164 review sheet that this funding request is "sufficient."~~ **EXHIBIT 4: EXHIBIT 6.**
2. Add as new **EXHIBIT 6** the memorandum from Dominic Beyal, Executive Director of OMB, dated February 10, 2022.
3. Renumber or reletter succeeding paragraphs, sections, and exhibits, as necessary and appropriate. The Office of Legislative Services and the Office of Legislative Counsel are hereby authorized to make technical edits to this Legislation and its Exhibits to implement the Committee's intent in approving this Legislation. This Amendment shall supersede inconsistent language contained in any other Committee amendment, which language shall be conformed to the intent or language of this Amendment.

Motion: Amber K. Crotty Second: Elmer P. Begay Vote: 4-0 Yeas: Elmer P. Begay, Nathaniel Brown, Amber K. Crotty, Raymond Smith, Jr.; Jimmy Yellowhair, excused

And, therefore referred to the **NAABIKIYATI** Committee

Respectfully submitted,



Jamie Henio, Chairman

Adopted: 
Legislative Advisor

Not Adopted: _____
Legislative Advisor

15 MARCH 2022

The vote was 4 in favor 0 opposed yeas: *Elmer P. Begay, Nathaniel Brown, Amber K. Crotty, Raymond Smith, Jr.; Jimmy Yellowhair, excused*

Main Motion: Nathaniel Brown

Second: Elmer P. Begay

BUDGET AND FINANCE COMMITTEE

15 MARCH 2022

Regular Meeting

VOTE TALLY SHEET:

Legislation No. 0045-22: An Act Relating to Resources and Development, Budget and Finance, and Naabik'iyáti' Committees, and the Navajo Nation Council; Approving \$4,000,000 from the Unreserved, Undesignated Fund Balance ("UUFb") for the Navajo Nation Department of Justice Water Rights Litigation Unit to Continue Litigating and Protecting the Navajo Nation's Water Rights; Waiving 12 N.N.C. § 820(E), § 820(F), § 820(J), and § 820(L) *Sponsored by Thomas Walker, Jr., Council Delegate*

Motion: Nathaniel Brown

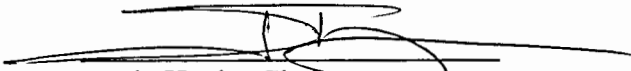
Second: Elmer P. Begay

Vote: 4-0, Chairman not voting; with 1 Amendment

Final Vote Tally:

Jamie Henio		
Raymond Smith Jr.	yea	
Elmer P. Begay	yea	
Nathaniel Brown	yea	
Amber K. Crotty	yea	
Jimmy Yellowhair		

Excused: Jimmy Yellowhair


Jamie Henio, Chairman
Budget & Finance Committee


Peggy Natar, Legislative Advisor
Budget & Finance Committee

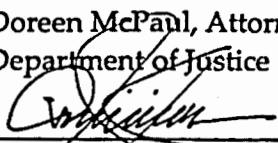
THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

MEMORANDUM

TO : Doreen McPaul, Attorney General
Department of Justice

FROM : 
Dominic Beyer, Executive Director
Office of Management and Budget

DATE : February 10, 2022

SUBJECT : Document No. 017837: Review of Supplemental Funding Request from the Undesignated, Unreserved Fund Balance (UUF) for \$4,000,000 for DOJ/Water Rights Litigation.

The Office of Management and Budget (OMB) reviewed the proposed budget document and deems the document to be sufficient with the following comments.

1. The Water Rights Claims Fund has an annual set-aside of \$2,000,000. This amount is divided between three business unit numbers; 1) DOJ/Water Rights Litigation for \$1,073,000; 2) DNR/Water Management Branch Water Rights for \$637,000 and 3) Executive Offices/Water Rights Commission for \$290,000.
2. The \$4 million supplemental request was reviewed by OMB in December, 2021. Budget documents are sufficient.
3. The \$4 million proposal is to supplement the Water Rights Litigation. Following are the supplemental appropriations made to the Water Rights Litigation in addition to annual appropriations:
 - a. In FY 2019, per resolution CS-68-18, \$1 million was appropriated for the Water Rights Litigation.
 - b. In FY 2020 per resolution CMA-33-20, \$2 million was appropriated for the Water Rights Litigation.
 - c. In FY 2021 per resolution CAP-20-21, \$2 million was appropriated for the Water Rights Litigation.

Note, this is becoming a recurring request from the Department of Justice. It seems the annual \$2 million set-aside for Water Rights is insufficient to sustain the Water Rights Litigation activities. Leadership may need to re-evaluate this during the annual budget development process.

Contact OMB at (928) 871-6029/6470 if there are any questions and/or concerns regarding this memorandum.



24th NAVAJO NATION COUNCIL NAABIK'ÍYÁTI' COMMITTEE REPORT Fourth Year 2022

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #0045-22

An Act Relating to Resources and Development, Budget and Finance, and Naabik'íyáti' Committees, and the Navajo Nation Council; Approving \$4,000,000 from the Unreserved, Undesignated Fund Balance ("UUFB") for the Navajo Nation Department of Justice Water Rights Litigation Unit to Continue Litigating and Protecting the Navajo Nation's Water Rights; Waiving 12 N.N.C. § 820(E), § 820(F), § 820(J), and § 820(L)

Sponsored by: Honorable Thomas Walker, Jr.

Has had it under consideration and reports the same that the legislation **WAS PASSED AND REFERRED TO THE NAVAJO NATION COUNCIL.**

Respectfully Submitted,


Honorable Seth Damon, Chairman
NAABIK'ÍYÁTI' COMMITTEE

14 April 2022

MAIN MOTION

Motioned by: Honorable Daniel E. Tso

Seconded by: Honorable Mark A. Freeland

Vote: 17 In Favor, 00 Opposed (Chairman Damon Not Voting)

NAVAJO NATION

1244

4/14/2022

Naa'bik'iyati' Committee Regular Meeting

09:21:49 PM

Amd# to Amd#

New Business: Item D.

PASSED

MOT Tso, D

-Legislation 0045-22:

SEC Freeland, M

Approving \$4,000,000 from the
Unreserved, Undesignated. . .

Yeas : 17

Nays : 0

Excused : 5

Not Voting : 1

Yea : 17

Begay, K

Halona, P

Slater, C

Tso, O

Begay, P

Henio, J

Smith

Walker, T

Charles-Newton

James, V

Tso, D

Wauneka, E

Crotty

Nez, R

Tso, E

Yellowhair

Freeland, M

Nay : 0

Excused : 5

Brown

Stewart, W

Tso, C

Yazzie

Daniels

Not Voting : 1

Begay, E

Presiding Speaker: Damon