

## LEGISLATIVE SUMMARY SHEET

Tracking No. 02105-19

DATE: August 28, 2019

**TITLE OF RESOLUTION:** AN ACT RELATING TO LAW AND ORDER, BUDGET AND FINANCE, NAABIK'ÍYÁTI' AND NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF ONE MILLION FOUR HUNDRED FORTY-EIGHT THOUSAND, EIGHT HUNDRED AND SIXTY-EIGHT DOLLARS (\$1,448,868.00) FOR THE ADULT DETENTION PROGRAM WITHIN THE NAVAJO DEPARTMENT OF CORRECTIONS, DIVISION OF PUBLIC SAFETY, BUSINESS NUMBER - NEW; WAIVING 12 N.N.C. §§ 820(F) AND (L) REGARDING THE RESTRICTION OF APPROPRIATIONS OF NON-RECURRING REVENUES TO RECURRING COSTS

**PURPOSE:** This resolution will approve supplemental funding from the Unreserved, Undesignated Fund Balance in the amount of One Million Four Hundred Forty-Eight Thousand, Eight Hundred and Sixty-Eight Dollars (\$1,448,868.00) for the Adult Detention Program within the Navajo Department of Corrections, Division of Public Safety. Sections of law to be waived are at 12 N.N.C. §§ 820(f) and (l) (regarding the restriction of appropriations of non-recurring revenues to recurring costs).

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: 2300  
Website Posting Time/Date: 5:01pm 9-5-19  
Posting End Date: 9/10/19  
Eligible for Action: 9/11/19

Law & Order Committee  
Thence  
Budget & Finance Committee  
Thence  
Naa'bik'íyáti' Committee  
Thence  
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
24<sup>th</sup> NAVAJO NATION COUNCIL – First Year, 2019

INTRODUCED BY

  
(Prime Sponsor)

TRACKING NO. 0265-19

AN ACT

RELATING TO LAW AND ORDER, BUDGET AND FINANCE, NAABIK'ÍYÁTI'  
AND NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING  
FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE  
AMOUNT OF ONE MILLION FOUR HUNDRED FORTY-EIGHT THOUSAND,  
EIGHT HUNDRED AND SIXTY-EIGHT DOLLARS (\$1,448,868.00) FOR THE  
ADULT DETENTION PROGRAM WITHIN THE NAVAJO DEPARTMENT OF  
CORRECTIONS, DIVISION OF PUBLIC SAFETY, BUSINESS NUMBER - NEW;  
WAIVING 12 N.N.C. §§ 820(F) AND (L) REGARDING THE RESTRICTION OF  
APPROPRIATIONS OF NON-RECURRING REVENUES TO RECURRING COSTS

BE IT ENACTED:

**SECTION ONE. AUTHORITY**

- A. The Navajo Nation established the Law and Order Committee as a Navajo Nation Council standing committee and as such gave the committee oversight authority over the Navajo Nation Division of Public Safety and departments within the division, among other programs. 2 N.N.C. § 601(C)(1).
- B. The Navajo Nation established the Budget and Finance Committee as a Navajo Nation Council standing committee and as such empowered the committee to review

1 and recommend to the Navajo Nation Council the management of all funds. 2 N.N.C.  
2 §§ 164 (A)(9), 300 (A), 301 (B)(2).

3 C. The Navajo Nation Council established the Naabik'íyáti' Committee as a Navajo  
4 Nation standing committee, and as such, proposed legislation that require final action  
5 by the Navajo Nation Council are assigned to the Naabik'íyáti' Committee. 2 N.N.C.  
6 §§ 164 (A)(9) and 700 (A).

7 D. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §  
8 102(A).

9  
10 **SECTION TWO. TITLE 12 FINANCE ACT SUPPLEMENTAL**  
11 **APPROPRIATION PROCESS**

12 A. The Title 12 Finance Act Supplemental Appropriation requirements include:

- 13 1. Pursuant to 12 N.N.C. § 820(L), when the Controller identifies additional sources  
14 of revenues above and beyond the initial or current revenue projections,  
15 supplemental appropriations may be allocated by the Navajo Nation Council.
- 16 2. Pursuant to 12 N.N.C. § 820 (L), "Supplemental appropriations made from non-  
17 recurring revenues shall only be made for non-recurring operations or purposes,  
18 as set forth at § 820 (F). The Controller of the Navajo Nation shall be responsible  
19 for designating recurring and non-recurring revenues and purposes."
- 20 3. Pursuant to 12 N.N.C. § 820(M), all requests for annual operating funds and  
21 supplemental funds shall be submitted to the Office of Management and Budget  
22 ("OMB") for budget impact analysis.

23  
24 **SECTION THREE. FINDINGS**

25 A. The Navajo Department of Corrections, Division of Public Safety, requests a  
26 supplemental appropriation in the amount of \$1,448,868.00 for continued operations  
27 for the Adult Detention Program covering August 27, 2019 to December 31, 2019.  
28 Among other purposes, the appropriation will be for personnel costs, a recurring  
29 expenditure. See "Supplemental Funding Proposal Summary" attached hereto within  
30 **Exhibit A.**



- 1 B. Pursuant to the 2019 Budget Instructions Manual Section XIV (B) and (C), the  
2 requisite supplemental funding request budget forms are attached hereto as Exhibit  
3 A.
- 4 C. The Office of Management and Budget has provided a Budget Impact Analysis for the  
5 supplemental funding request pursuant to 12 N.N.C. § 820(M). See Exhibit B.
- 6 D. The Office of the Controller has provided a memorandum dated August 3, 2019,  
7 indicating the balance in the Unreserved, Undesignated Fund Balance as of June 30,  
8 2019 is \$37,960,422.00. See Exhibit C. This memorandum is provided to meet the  
9 requirements of 12 N.N.C. § 820 (L). The Controller of the Navajo Nation designated  
10 the funds for the Department of Corrections as a recurring cost. *Id.*
- 11 E. The Navajo Nation finds it in the best interest of the Navajo Nation to approve this  
12 supplemental appropriation request. It is also in the best interest to waive the  
13 restriction of appropriations of non-recurring revenues to recurring costs as stated 12  
14 N.N.C. §§ 820(F) and (L), and to waive 12 N.N.C. § 820(N) regarding the lapses of  
15 funds at the end of a fiscal year.

16  
17 **SECTION FOUR. APPROVING SUPPLEMENTAL FUNDING FROM THE**  
18 **UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF**  
19 **\$1,448,868.00 FOR NAVAJO DEPARTMENT OF CORRECTIONS, BUSINESS**  
20 **UNIT NUMBER - NEW**

21 A. This supplemental appropriation of \$1,448,868.00 shall be from that amount of funds  
22 that exceeds the minimum fund balance of the Unreserved, Undesignated Fund Balance  
23 as determined by the Office of the Controller and to the Department of Corrections,  
24 Adult Detention Program, Business Unit Number - new.

25 B. The Navajo Nation hereby approves supplemental funding from the Unreserved,  
26 Undesignated Fund Balance in the amount of \$1,448,868.00 for the Department of  
27 Corrections, Adult Detention Program, Business Unit Number - new, to fund personnel  
28 and other purposes.

29 C. The supplemental funding will cover the period as described in Exhibit A. The  
30 appropriation shall not lapse at the end of fiscal year 2019.



1  
2 **SECTION FIVE. WAIVING 12 N.N.C. §§ 820(F) AND (L) REGARDING THE**  
3 **RESTRICTION OF APPROPRIATIONS OF NON-RECURRING REVENUES TO**  
4 **RECURRING COSTS**

5 The Navajo Nation Council hereby waives 12 N.N.C. §§ 820(F) and (L) with regard to  
6 the restriction of appropriations of non-recurring revenues to recurring costs.  
7

8 **SECTION SIX. EFFECTIVE DATE**

9 The provisions of this Act shall become effective in accord with 2 N.N.C. § 221(B).  
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**THE NAVAJO NATION  
SUPPLEMENTAL FUNDING PROPOSAL SUMMARY**

**EXHIBIT**

**A**

|                            |                      |                   |                                  |            |                     |
|----------------------------|----------------------|-------------------|----------------------------------|------------|---------------------|
| PART I. Business Unit No.: | <u>NEW</u>           | Program Title:    | <u>Department of Corrections</u> |            |                     |
| Division/Branch:           | <u>Public Safety</u> | Amount Requested: | <u>\$1,448,868</u>               | Phone No.: | <u>928-871-7555</u> |
| Prepared By:               | <u>Juanita Begay</u> | Email Address:    | <u>jibegay@navajo-nsn.gov</u>    |            |                     |

**PART II. REASON FOR REQUEST AND STATEMENT OF NEED:**

The Navajo Nation Department of Corrections (NDOC) is requesting for funds in the amount of \$1,448,868 to cover personnel cost, overtime, holiday pay, fringe benefits, insurance, inmate food supplies and uniforms for Corrections Officers to continue operations of six (6) adult detention/corrections facilities across the Nation.

Due to faulty facilities it is necessary to employ 20 Corrections Officers to continuously relay long term serving inmates to Kayenta or Tuba City. The department services approximately 35,307 adults per year and 500 juvenile each year. These numbers include the number of arrests made by the Navajo Police and Navajo Nation Courts sentencing individuals to serve jail time. With closing the facility of Shiprock and Window Rock District, relays are necessary to house individuals and to protect the Navajo public.

**PART III. LIST ALTERNATIVE FUNDING SOURCES BEING PURSUED AND CONTINGENCY PLAN IF REQUEST IS NOT FUNDED:**

Option One Funding: A letter was sent to William McClure, Special Agent in Charge requesting a need for \$3.3 million to cover the shortfall for adult detention starting on August 16, 2019. This letter was sent to Navajo OMB on March 13, 2019. This letter was sent out by Cordell Shortey, Contracting Officer on May 2, 2019. OMB held off on this letter until NDOC received the final allocation of \$4.9 budgeted for 2019 by BIA in the amount of \$1,875,463. A letter from BIA received June 20, 2019 acknowledged the request and indicated BIA OJS must decline the Nation's request for additional funds.

In this letter to BIA OJS, a second option was presented if OJS did not have additional fund to supplement NDOC adult corrections from August 16, 2019 to December 31, 2019. A request was made to have the "Juvenile Detention Funds" be used to fund as many adult corrections officers so that the adult detention/facilities would remain in operation through December 31, 2019. This was an option that was discussed with Mr. McClure during the February 14, 2019 meeting. He requested this in a formal letter for his consideration.

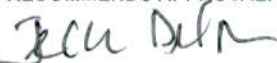
Option Two Funding: One other option that has not been explored is the potential of using the adult "Operation and Maintenance" funds for personnel cost. The adult detention O&M funds available in the amount of \$1,343,493. The juvenile detention O&M funds available in the amount of \$2,082,463, for a total amount of available funds is \$3,425,956. This is a viable option and will need the approval from the Bureau of Indian Education (BIE) as the O&M funds are allocated from this funding stream.

Option Three Funding: An emergency funding request has been submitted through the 164-review process for "emergency funding" from the Undesignated, Unreserved Funds Budget (UUF). This request will need to be reviewed by Office of Management and Budget, Office of the Controller and Navajo Department of Justice before being sent over to the Legislative Council for legislation. A sponsor is needed for this "emergency funding" request.

If the two above do not come to fruition, then Division of Public Safety is looking at closing four facilities; Shiprock, Window Rock, Crownpoint and Chinle and continue operation of the two (2) large corrections facilities of Kayenta and Tuba City. All new arrestees and court ordered sentenced individuals will be transported to either one of these two facilities. All individuals arrested and/or sentenced in Shiprock, Chinle and Crownpoint will be transported to Kayenta. All individuals arrested and/or sentenced in Window Rock, Dilcon, Chinle Districts will be transported to Tuba City Corrections District. This option was discussed with Phillip Francisco, Chief of Police who supports this as an option. DPS presents this as an "option" and only in the "worst case" and option one being exhausted.

Ramah Navajo Detention: Navajo will partner with Ramah Navajo Police/Detention to house Navajo adult arrestees and sentence inmates. This option is under exploration for the number of beds to be used and if there will be cost for transports and housing of inmates.

**PART IV. AFFIRMATION IS PROVIDED THAT THE PROPOSAL INFORMATION IS COMPLETE AND ACCURATE AND THE APPROPRIATE BRANCH CHIEF RECOMMENDS APPROVAL.**



Jesse Delmar, Division Director



Paulson Chaco

REVIEWED BY: Division Director's Signature / Date

RECOMMEND APPROVAL: Branch Chief's Signature / Date



Received

JUL 23 2019

Office of Management & Budget  
The Navajo Nation, Window Rock, Arizona

FY 2019

THE NAVAJO NATION  
PROGRAM BUDGET SUMMARYPage 01 of 04  
BUDGET FORM 1

|                                       |  |  |  |   |  |
|---------------------------------------|--|--|--|---|--|
| PART I. Business Unit No.: <b>NEW</b> |  | Program Title: <b>FY 2019 Adult Detention Services</b> |  | Division/Branch: <b>Division of Public Safety</b> |  |
| Prepared By: <b>Juanita Begay</b>     |  | Phone No.: <b>928-871-7555</b>                         |  | Email Address: <b>jlbegay@navajo-nsn.gov</b>      |  |

| PART II. FUNDING SOURCE(S) |  | Fiscal Year | Amount       | % of Total |
|----------------------------|--|-------------|--------------|------------|
| UUFY FY 2019               |  | 8/1/19      | 1,448,868.00 | 100%       |
|                            |  | 7/29/20     |              |            |

| PART III. BUDGET SUMMARY |                              | Fund Type Code | (A) NNC Approved Original Budget | (B) Proposed Budget | (C) Difference (Column B - A) |
|--------------------------|------------------------------|----------------|----------------------------------|---------------------|-------------------------------|
| 2001                     | Personnel Expenses           | 6              |                                  | 1,242,542           | 1,242,542                     |
| 3000                     | Travel Expenses              |                |                                  |                     |                               |
| 3500                     | Meeting Expenses             |                |                                  |                     |                               |
| 4000                     | Supplies                     | 6              |                                  | 194,500             | 194,500                       |
| 5000                     | Lease and Rental             |                |                                  |                     |                               |
| 5500                     | Communications and Utilities |                |                                  |                     |                               |
| 6000                     | Repairs and Maintenance      |                |                                  |                     |                               |
| 6500                     | Contractual Services         |                |                                  |                     |                               |
| 7000                     | Special Transactions         | 6              |                                  | 11,826              | 11,826                        |
| 8000                     | Public Assistance            |                |                                  |                     |                               |
| 9000                     | Capital Outlay               |                |                                  |                     |                               |
| 9500                     | Matching Funds               |                |                                  |                     |                               |
| 9500                     | Indirect Cost                |                |                                  |                     |                               |
| <b>TOTAL</b>             |                              |                | <b>\$0.00</b>                    | <b>1,448,868.00</b> | <b>1,448,868</b>              |

| PART IV. POSITIONS AND VEHICLES           |  | (D) | (E) |
|---|--|-----|-----|
| Total # of Positions Budgeted:            |  | 20  | 20  |
| Total # of Permanently Assigned Vehicles: |  |     |     |

**TOTAL: \$1,448,868.00 100%**

**PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.**

|   |  |
|---|--|
| Delores Greyeyes, PhD, MSW, Director<br>SUBMITTED BY: Program Manager's Printed Name<br><i>Delores Greyeyes</i> 7-17-19<br>SUBMITTED BY: Program Manager's Signature and Date | Jesse Delmar, Division Director<br>APPROVED BY: Division Director/Branch Chief's Printed Name<br><i>Jesse Delmar</i> 6/17/19<br>APPROVED BY: Division Director/Branch Chief's Signature and Date |
|---|--|

Received

JUL 23 2019

Office of Management & Budget  
The Navajo Nation, Window Rock, Arizona

FY 2019

THE NAVAJO NATION  
PROGRAM PERFORMANCE CRITERIAPage 02 of 04  
BUDGET FORM 2

## PART I. PROGRAM INFORMATION:

Business Unit No.: NEW

Program Name/Title:

FY 2019 Adult Detention Services

## PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:

The Navajo Nation Department of Corrections operate under Plan of Operation Number GSCJA-06-11 and provides direct support services to all individuals who require detention placement within the jurisdiction of the Navajo Nation as defined by NNC 254 and 18 USC Section 115. The Department of Corrections will provide and ensure the health, safety and well being of all individuals in accordance with set local and national mandates.

## PART III. PROGRAM PERFORMANCE CRITERIA:

## 1. Goal Statement:

Provide detention services for offenders throughout the Navajo Nation

## Program Performance Measure:

Compliance with set standards of detention officers

## 2. Goal Statement:

Compliance with PL-93-638 contract 7 NN jail standards for training of correctional personnel

## Program Performance Measure:

Training 40 plus hours in safety and security of correction personnel

## 3. Goal Statement:

Compliance with the Navajo Nation 1993 Consent Decree Silver-vs-Pahe

## Program Performance Measure:

Provide on-going daily personal, medical, mental health, and dietary need

## 4. Goal Statement:

Prevention and intervention service for offenders

## Program Performance Measure:

Provide for substance/alcohol, health, behavioral and crime prevention education

## 5. Goal Statement:

Referral of services

## Program Performance Measure:

All adult offenders will receive referral services to local resources

## PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.

Delores Greveyes, PhD, MSW, Director


Program Manager's Printed Name



Program Manager's Signature and Date

Jess Delmar, Division Director

Division Director/Branch Chief's Printed Name



Division Director/Branch Chief's Signature and Date



FY 2019

BUDGET FORM 3

## LISTING OF POSITIONS AND ASSIGNMENTS BY BUSINESS UNIT

[illegible]





Received  
JUL 23 2019  
Office of Management & Budget  
Window Rock, Arizona

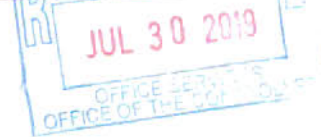
|                              |  |                                       |                                    |                    |     |
|------------------------------|--|---------------------------------------|------------------------------------|--------------------|-----|
| PART I. PROGRAM INFORMATION: |  | FY 2019 Adult Detention Services      |                                    | Business Unit No.: | NEW |
| Program Name/Title:          |  |                                       |                                    |                    |     |
| PART II. DETAILED BUDGET:    |  |                                       |                                    |                    |     |
| (A)                          | (B)  | (C)                                   | (D)                                |                    |     |
| Object Code (LOD 6)          | Object Code Description and Justification (LOD 7)  | Total by DETAILED Object Code (LOD 6) | Total by MAJOR Object Code (LOD 4) |                    |     |
| 4410                         | Operating Supplies Inmate population has been increasing at Tuba City, Kayenta, Chinle and food cost has increased. Average cost on inmate supplies is \$6,000/month at these district, \$2,000/month at Window Rock and Shiprock, and Crownpoint \$4,000/month. This has deleted funds under General Funds. In order to maintain compliance with the 1995 Consent Decree, to serve three nutritional meals aday at 6 districts. | 194,500                               | 194,500                            |                    |     |
|                              | 4460 Food Supplies \$6,000 x 4 mos. X 3 dist \$ 72,000.00<br>\$4,000 x 4 mos. X 2 dist \$ 32,000.00<br>\$2,000 x 4 mos. X 1 dist \$ 8,000.00   |                                       |                                    |                    |     |
|                              | 4470 Uniforms \$500 x 165 Corrections Officers \$ 82,500.00  |                                       |                                    |                    |     |
|                              | TOTAL: \$ 194,500.00   |                                       |                                    |                    |     |
| 7710                         | Insurance Premiums   | 11,826                                | 11,826                             |                    |     |
|                              | 7765 Policy Payment (General Liability)<br>\$1,242,542/100 x \$0.34 = \$ 4,224.64 334915.8   |                                       |                                    |                    |     |
|                              | 7767 Workers Comp<br>\$863,776/100 x \$0.88 \$ 7,601.23  |                                       |                                    |                    |     |
|                              | TOTAL: \$ 11,825.87  |                                       |                                    |                    |     |
| TOTAL                        |  | 206,326                               | 206,326                            | 206,326            |     |

# THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



July 30, 2019



## Memorandum

To: Ron Haven, Attorney  
Office of Legislative Counsel

From: C. M. Lizer  
Cordell Shortey, Contracting Officer  
OMB - Contracts and Grants Section

Subject: Document No. 012460 – Request for Appropriation by Navajo Department of Corrections (NDOC) - Adult Detention Program

OMB is responding to your memorandum of July 18, 2019 to NDOC and your concern with NDOC making changes to the Navajo Nation Budget Forms (NNBF) after initial submission by NDOC. OMB has reviewed the subject document and has the following comments.

1. NDOC originally requested appropriation of \$3,235,790 to continue operation of Adult Detention Program from August 16, 2019 to December 31, 2019. NDOC estimated existing 638 funds will be fully expended by August 26, 2019. Based on letter of July 16, 2019, BIA OJS approved transfer of \$1.6 million from P.L. 93-638 BIA Contract Juvenile Detention Program to Adult Detention Program. Therefore, the adjusted need by NDOC is \$1,635,790 (\$3,235,790 – 1,600,000).
2. By memorandum (memo) of July 22, 2019, NDOC has resubmitted a revised request for \$1,448,868 as two (2) modifications were issued to award additional funding by BIA NRO. In the memo NDOC provides calculation how \$1,448,868 was determined. But the numbers do not calculate to the amount being requested. Instead the calculation show \$1,012,094 which is a \$436,774 less the amount requested of \$1,448,868. Therefore, NDOC needs to show correct amount of request.
3. The documents resubmitted does not include NNBF 3 to support Personnel Salaries budget request which is required per FY 2019 NN Budget Instruction Manual (BIM) Appendix K - "The purpose is to provide pertinent and critical information regarding supplemental proposals for funding. This form must be completed along with standard budget forms 1 through 5 for all supplemental funding requests."
4. Pursuant to the FY 2019 NN BIM Section XIII. C. b)., subject document will need to be approved by oversight committee.

NDOC needs to correct deficiencies raised above so request is sufficient for processing. If you have question, contact our office at (928) 871-6033.

CC: File- CGS  
Jesse Delmar, Executive Director, Division of Public Safety  
Dr. Delores Greyeyes, Director, NDOC  
Michelle Begay, Attorney, NN DOJ



# THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



## Memorandum:

To: 2 NNC § 164 Reviewers  
Delegates & 2 NNC '164 Reviewers  
Navajo Nation Government

From: *Robert Willie*  
Robert Willie, Accounting Manager  
Office of the Controller

Date: August 3, 2019

Subject: 164 Review-012460-UUFB Request for funds NDOC Adult



The Office of the Controller has reviewed the above referenced document.

1. The balance of the UUFB is \$37,960,422 as of June 20, 2019. Within the Three Branch Chief agreement an amount of \$21,000,000 is intended to be set aside as part of the FY 2020 comprehensive budget to address the impending FY 2021 projected General Fund Revenue decrease. Unmet needs amounts have yet to be determined but would also reduce this available amount. In addition there are requests from the UUFB for water rights and DALTC that would further reduce the amount of the UUFB.
2. This revised funding request is in the amount of \$1,448,868 to continue operation of the adult detention program through December 31, 2019. This request would cross multiple fiscal years. According to 12 NNC § 820, N. Appropriations Lapse *"Appropriations approved by the Navajo Nation Council will lapse at the end of the fiscal year unless otherwise designated by the Navajo Nation Council."* A

NAVAJO NATION OFFICE OF THE CONTROLLER

P.O.BOX 3150 · WINDOW ROCK, AZ 86515 · PHONE: (928) 871-6398 · FAX: (928) 871-6026

provision to carryover this supplemental request would be needed to allow the appropriation to move into the new Fiscal Year.

3. This request is funding for a recurring cost of personnel normally covered by contract funds.

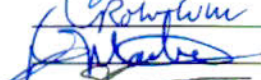
If you should have any questions you can contact me at tribal extension X6125



**SECTION 164 REVIEW FORM**Title of Document: Request for funds NDOC Adult Contact Name: GREYEVES, DELORESProgram/Division: DIVISION OF PUBLIC SAFETYEmail: dgreyeyes@navajo-nsn.gov Phone Number: 928.871.7555Division Director Approval for 164A: 

**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 type="checkbox"/>            | Statement of Policy or Positive Law:   |                      | Sufficient                          | Insufficient                        |
|-------------------------------------|--|----------------------|-------------------------------------|-------------------------------------|
|                                     | 1. OAG: _____  | Date: _____          | <input type="checkbox"/>            | <input type="checkbox"/>            |
| <input checked="" type="checkbox"/> | <b>IGA, Budget Resolutions, Budget Reallocations or amendments: (OMB and Controller sign ONLY if document expends or receives funds)</b> |                      |                                     |                                     |
|                                     | 1. OMB: <u>Disagreed - See OMB/CGS 5/21 memo</u>   | Date: <u>5-21-19</u> | <input type="checkbox"/>            | <input type="checkbox"/>            |
|                                     | 2. OOC: <u>Roughman</u>  | Date: <u>5-29-19</u> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|                                     | 3. OAG: <u></u>   | Date: <u>6/3/19</u>  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
|                                     | 4. ORVP  | <u>6/10/19</u>       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

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

|                          |  |             |                          |                          |
|--------------------------|--|-------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <b>Grant/Funding Agreement or amendment:</b>   |             |                          |                          |
|                          | 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"/> | <b>Subcontract/Contract expending or receiving funds or amendment:</b>                     |             |                          |                          |
|                          | 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"/> | <b>Letter of Assurance/M.O.A./M.O.U./Other agreement not expending funds or amendment:</b> |             |                          |                          |
|                          | 1. Division: _____   | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
|                          | 2. OAG: _____  | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <b>M.O.A. or Letter of Assurance expending or receiving funds or amendment:</b>            |             |                          |                          |
|                          | 1. Division: _____   | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
|                          | 2. OMB: <u>budgetary</u>   | 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"/> |


# THE NAVAJO NATION

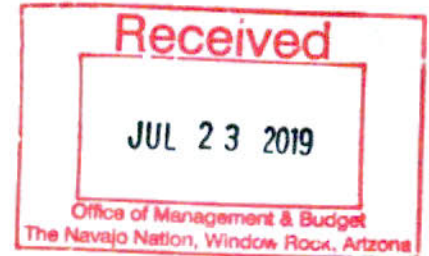
JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



## MEMORANDUM

TO : 164B Reviewers

FROM :   
Delores Greyeyes, Ph.D., Director  
Department of Corrections  
Division of Public Safety



DATE : July 22, 2019

SUBJECT : Request for Emergency Funds - for Undesignated Unreserved Funds (UUFB)

This memorandum is written to clarify the Navajo Department of Corrections request for Undesignated Unreserved Funds (UUFB) in the amount of \$1.4 million dollars to cover the department's personnel shortfall. Our original request was for \$3,235,790 in May 01, 2019. The amount being requested changed due for the following reasons.

1. A modification was received on May 16, 2019 for \$67,861;
2. A second modification was received on June 12, 2019 in the amount of \$555,835;
3. A meeting was held with Charles Addington, Director, Office of Justice Services on June 26, 2019 where he made a decision to transfer funds from the Juvenile Detention Services to the adult detention services to cover a portion of the shortfall. The requested transfer between the two programs is \$1.6 million was made and currently at the BIA/OJS for a final review and contract modification.
4. The total of these funds will cover personnel cost through December 31, 2019.

These transactions resulted in a need for \$1,448,868 million from the UUFB to cover personnel costs from September 28, 2019 to December 31, 2019 to keep the Navajo Nation adult detention facilities in operation.

Your assistance in review and approval of this request is appreciated. Questions can be directed to my attention at (928) 871-7555. Thank you.

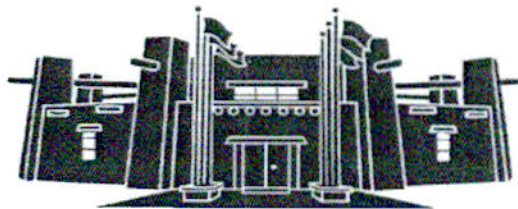
CONCURRENCE:



Jesse Delmar, Executive Director  
Division of Public Safety

cc: file





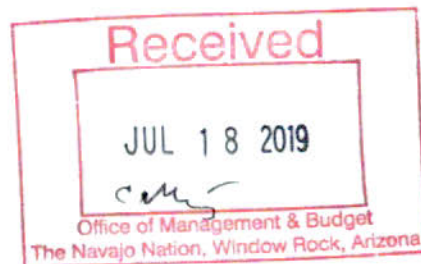
MEMORANDUM

To : Juanita Begay, Adult Detention Program  
Navajo Department of Corrections

From :   
Ron Haven, Attorney  
Office of Legislative Counsel

Date : July 18, 2019

Re : Return of documents; OLC Request Form #19-360-1, UUFB Request for Dept. of  
Correction



*And to Gloria*

Above matter was resubmitted today. It concerns a request from Department of Corrections for UUFB funding. However, there continues to be a problem with the review process. The budget forms I reviewed do not appear to be the same ones previously reviewed by other necessary programs, including OMB and Controller. Since the initial submission of the request and review by OMB and Controller, the amount requested was changed, along with budget forms. This change, along with new budget forms, should be reviewed by all necessary parties, particularly OMB and Controller.

Upon all reviews, with correct updated forms, we can draft the necessary bill. Documents have been returned to the program.

Our telephone number is (928)871-7166. Thank you.

xc : Ed McCool, Acting Chief Legislative Counsel  
Edmund Yazzie, Delegate  
Robert Willie, OOC  
Cordell Shortey, OMB

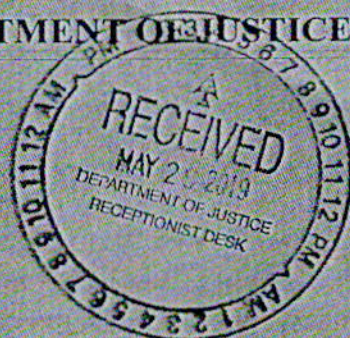




☐ RESUBMITTAL

# NAVAJO NATION DEPARTMENT OF JUSTICE

## DOCUMENT REVIEW REQUEST FORM



|  |
|--|
| DOJ  |
| 5/29/19 @ 406p                                     |
| DATE / TIME  |
| <input checked="" type="checkbox"/> 7 Day Deadline |
| DOC #: 012460                                      |
| SAS #:   |
| UNIT: H59w   |

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

### CLIENT TO COMPLETE

DATE OF REQUEST: 5/29/19 ENTITY/DIVISION: Public Safety  
CONTACT NAME: Delores Gregego DEPARTMENT: Corrections  
PHONE NUMBER: 871-7555 E-MAIL:  
TITLE OF DOCUMENT: Request for funds NDOC Adult

#9

### DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT: 5/30/19 @ 8:00 REVIEWING ATTORNEY/ADVOCATE: Dan  
DATE/TIME OUT OF UNIT: 6/4/19 @ 8:40

### DOJ ATTORNEY / ADVOCATE COMMENTS

Sufficient

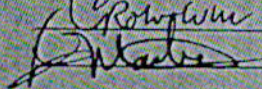
|                              |   |                      |                |
|------------------------------|---|----------------------|----------------|
| REVIEWED BY: (PRINT)         | DATE / TIME                                   | SURNAMED BY: (PRINT) | DATE / TIME    |
| Daniel Watts                 | 3 June 19, 3:45 PM                            | Landis Hartline      | 6/3/19 5:07 PM |
| DOJ Secretary Called: Marlon | for Document Pick Up on 6/4/19 at 8:40 By: gm |                      |                |
| PICKED UP BY: (PRINT)        | DATE / TIME:                                  |                      |                |



Document No. 012460Date Issued: 05/01/2019**SECTION 164 REVIEW FORM**Title of Document: Request for funds NDOC Adult Contact Name: GREYEVES, DELORESProgram/Division: DIVISION OF PUBLIC SAFETYEmail: dgreyeyes@navajo-nsn.gov Phone Number: 928.871.7555Division Director Approval for 164A: 

**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 type="checkbox"/>            | <b>Statement of Policy or Positive Law:</b>  |   |       | Sufficient               | Insufficient                        |
|                                     | 1. OAG:  |   | Date: | <input type="checkbox"/> | <input type="checkbox"/>            |
| <input checked="" type="checkbox"/> | <b>IGA, Budget Resolutions, Budget Reallocations or amendments: (OMB and Controller sign ONLY if document expends or receives funds)</b> |   |       |                          |                                     |
|                                     | 1. OMB:  | <u>Disagreed - See OMB/CGS 5/21 memo</u>  | Date: | <u>5-21-19</u>           | <input type="checkbox"/>            |
|                                     | 2. OOC:  | <u>Roughman</u>   | Date: | <u>5-29-19</u>           | <input checked="" type="checkbox"/> |
|                                     | 3. OAG:  | <u></u> | Date: | <u>6/3/19</u>            | <input checked="" type="checkbox"/> |

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

|                          |  |  |       |                          |                          |
|--------------------------|--|--|-------|--------------------------|--------------------------|
| <input type="checkbox"/> | <b>Grant/Funding Agreement or amendment:</b>   |  |       |                          |                          |
|                          | 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"/> | <b>Subcontract/Contract expending or receiving funds or amendment:</b>                     |  |       |                          |                          |
|                          | 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"/> | <b>Letter of Assurance/M.O.A./M.O.U./Other agreement not expending funds or amendment:</b> |  |       |                          |                          |
|                          | 1. Division:   |  | Date: | <input type="checkbox"/> | <input type="checkbox"/> |
|                          | 2. OAG:  |  | Date: | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <b>M.O.A. or Letter of Assurance expending or receiving funds or amendment:</b>            |  |       |                          |                          |
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|                          | 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"/> |





# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
OFFICE OF JUSTICE SERVICES  
1001 Indian School Road NW Suite 251  
Albuquerque New Mexico 87104

IN REPLY REFER TO  
District IV Office

JUL 16 2019

Honorable Jonathan Nez  
President, The Navajo Nation  
P.O. Box 9000  
Window Rock, AZ 86515

Attention: Cordell Shortey, Contracting Officer  
Contracts and Grants Section, OMB



Dear President Nez:

As follow-up to a June 26, 2019 meeting with Navajo Nation Tribal officials and the Bureau of Indian Affairs (BIA) Office of Justice Services (OJS) Director, Charles Addington, we received a letter dated July 2, 2019 from Cordell Shortey, Contracting Officer at the Navajo Nation Office of Management and Budget. The letter requests a transfer of corrections operations funds in the amount of \$1.6 million from the Juvenile Detention Contract No. A18AV00236 to the Adult Detention Contract No. A18AV00235 to address a shortfall of adult detention funding for FY2019. In addition, Mr. Shortey indicates that the Nation requests a permanent reduction to the juvenile corrections funding amount through a base funding transfer between the Adult and Juvenile corrections allocations.

As discussed during the meeting, the Nation has had savings/carryover funding within the juvenile detention program for many years. This would indicate that funding needs for the juvenile detention program are less than the allocation of base funding for that program. However, in recent years, the Nation has indicated that the amount of funding needed to continue adult detention program operations for the entire fiscal (calendar) year is more than the annual allocation amount appropriated.

We fully support the Nation's request to re-program excess juvenile corrections funding to be utilized to provide adult corrections program functions; however, we regret to again inform the Nation that there are no available funding sources within BIA OJS to fund any future shortfall funding requests of either programs without a congressional funding increase. Funding appropriated annually for both adult and juvenile programs reflects the Nation's full year Secretarial amount of funding in accordance with the Indian Self-Determination and Education Assistance Act (ISDA) requirements found at Section 106(a)(1). Thus, due to a lack of increased congressional appropriations to fund BIA/tribal law enforcement and corrections programs, resources to provide tribes with additional and/or "one-time" funding needed to carry out the programs, functions, services and activities (PFSA) to operate detention programs contracted under the authority of ISDA contracts are not available.



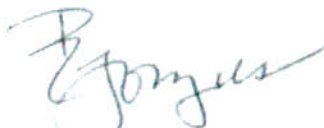
BIA OJS does "concur with and approve" the Nation's request to transfer operations funds in the amount of \$1.6 million from the juvenile corrections allocation to the adult corrections allocation for FY2019. This approval is solely for the purpose of carrying out the contract statement of work within the fully executed Annual Funding Agreements (AFAs) of each respective ISDA contract. We want to emphasize the fact that *funding* provided through the fully executed P.L. 93-638 contract(s) must be used only to carry out "necessary, reasonable and allowable" activities that contribute to the purpose and intent of the detention PFSA of each respective contract. Further, as discussed with Director Addington, the Nation should not request additional funds for Juvenile Corrections program to off-set this permanent transfer of funds.

To execute this action for FY2019, the BIA Navajo Region Awarding Official will issue modifications to each Contract. Therefore, until you receive modifications to (1) reduce Juvenile Contract No. A18AV00236 in the amount of \$1.6 million; and (2) increase Adult Contract No. A18AV00235 in the amount of \$1.6 million, this is not officially enacted. Since the Nation has already received the full-year FY2019 funding under both contracts, the modifications are to authorize and allow an internal transfer of the funding.

Finally, BIA OJS does "concur" with the Nation's request to permanently transfer \$1.6 million from the Juvenile Corrections program allocation to the Adult Corrections program allocation through a base funding re-programming beginning in FY2020. However, in order to proceed with this action to execute a permanent base funding transfer, we request submission of an authorizing Tribal resolution to approve and authorize this request. Thus, when received, the permanent transfer of \$1.6 million reducing the juvenile corrections funding and increasing the adult corrections funding will take effect in FY2020 and nothing further will be required in future years. Please submit the authorizing resolution to this office at the address above.

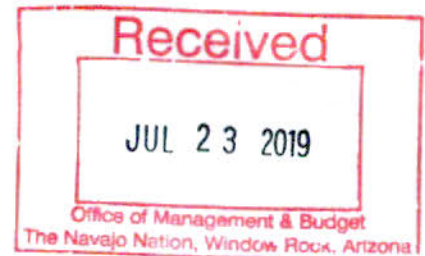
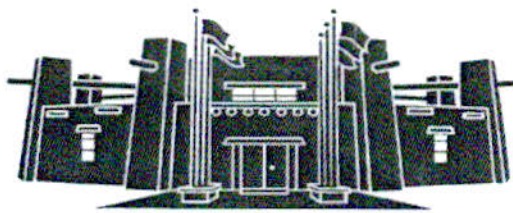
Should you have questions or require additional assistance, please contact James Begay, Corrections Program Specialist, at the BIA OJS District IV Office at (505) 563-3005 or myself at (505) 563-3844.

Sincerely,




William McClure  
**Acting** Special Agent in Charge

cc: Jesse Delmar, Executive Director, Navajo Nation  
Dwight Witherspoon, Chief of Staff/OPVP  
Delores Greyeyes, MSW, Department Manager III, Navajo Nation  
Orlinda Platero, Awarding Official, BIA-Navajo Region  
Bartholomew Stevens, Regional Director, BIA Navajo Region



**MEMORANDUM**

To : Edmund Yazzie, Delegate  
Navajo Nation Council

From :   
Ron Haven, Attorney  
Office of Legislative Counsel

Re : OLC Request Form #19-360-1, Supplemental Request for Dept. of Correction

On July 9, 2019, you submitted to our office a bill for supplemental appropriation from the UUFB for Department of Corrections. Today, upon meeting with Ms. Juanita Yazzie (Department of Corrections), I returned the packet to her for corrections. There were two separate budgets, with different figures.

The errors should be corrected. The applicable provisions of the Budget Instructions Manual should be followed. Also, OMB's and the controller's review should be based on correct current figures (as the budget manual requires "accuracy and completeness" of the proposed budgets).

Thank you for your attention and understanding.

xc : Ed McCool, Acting Chief Legislative Counsel  
Juanita Yazzie, DOC



# THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

May 21, 2019

*DBeyal*  
*5-21-19*

## MEMORANDUM

TO : Dominic Beyal, Executive Director – OMB

FROM : *C Shortey*  
Cordell Shortey, Contracting Officer  
Contracts and Grants Section (CGS) - OMB

SUBJECT : Document No. 012460 – Emergency Funding Request for Continued Operation – P. L. 93-638 Contracted Program, Adult Detention

Here is comments on the matter which I became aware of earlier today, was in OMB for review.

1. The subject program is a multi-year P. L. 93-638 BIA contracted program. The term of the contract is for five (5) years covering Jan. 1, 2018 to Dec. 31, 2022. FY 2019, which is currently in progress, is year 2 of 5. Navajo Department of Correction (NDOC) / DPS administers the contract.
2. Included in the packet is a letter of May 1, 2019 from the Navajo Nation (NN) to Mr. McClure of BIA Office of Justice Services (OJS). There has been no response from Mr. McClure. The letter requests additional funding of \$3,348,076.08 for the program to cover projected expenditures from Aug 27 to Dec 31, 2019. The total FY 2019 funding allocated by BIA OJS for operation is \$4,982,708. According to NDOC, these funds are not sufficient to cover the entire year from Jan. 1 to Dec. 31, 2019, but only partial from Jan. 1 to Aug. 26, 2019.
3. CGS believes the reason the amount of 638 funding is not sufficient to cover full year operation is as follows. NDOC should have provided the data and information to support the requests on the changes which were implemented in the recent past. While these resulted in additional costs to the program, a corresponding increase in 638 funding by BIA OJS did not happen.
  - NDOC personnel received salary increases based on approval by the Law and Order Committee.
  - Two additional correctional facilities, Kayenta and Tuba City, which were funded by ARRA grants went into operation. In an audit by US DOJ OIG, the NN was mandated to ensure these are fully operational. This resulted in an increased number of personnel among other expenses for the two facilities.
4. Although the NN requested funding increases for the program through the budget request process that is done 2 years prior to year in question, the amount of funding allocated for NDOC remained basically the same and has not increased.
5. There is a provision (limitation of cost) in the Model 108 Contract that in the event that the amount of funding allocated by the Secretary is insufficient to cover expenditures for a full Annual Funding Agreement (AFA) year, the NN can request additional funding. The letter referenced at no 2. above is that request. Also, if the NN believes the amount of funding by the Secretary is insufficient, there is the option to retrocede the contract.
6. There is also a provision in the Model 108 Contract and AFA that the funds allocated to the program are limited to availability of Congressional appropriation. The reference to \$4,982,708 for operation in no. 2 above is that amount.

The need for additional funding by NDOC / DPS is the case. The funding agency, BIA / OJS, is aware of the dilemma as well.

Contact us at CGS if you have questions.

Cc: file

# THE NAVAJO NATION

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JONATHAN NEZ | **PRESIDENT** MYRON LIZER | **VICE PRESIDENT**  
M E M O R A N D U M

TO : 164 Reviewer

FROM : *Ophelia R. Bayaz*  
Delores Greyeyes, PhD, Director  
Navajo Department of Corrections

DATE : April 29, 2019

SUBJECT : Emergency Funding Request for continued operations  
Adult Corrections/Detention Program

Emergency fund is requested in the amount \$3,235,790 from the Undesignated, Unreserved Fund Balance (UUFb) to continue the operation of the adult detention program through, December 31, 2019. The Navajo Nation Department of Corrections will have exhausted its 2019 contract funds by August 26, 2019. NDOC will need to provide layoff notice's to all NDOC personnel on August 01, 2019 and close six (6) adult detention facilities located across the Navajo Nation.

This will have an immediate impact on services due to the effect of; laying off 140 Corrections Officers, 17 support staff, closure of 6 adult detention facilities. All arrestees and serving inmates will be released and no new arrests could be made without a place to house these individuals causing immediate an increase of criminal activity and no means of protecting the Navajo public. The department service approximately 35,307 adults per year and 500 juveniles each year. These numbers include the number of arrests made by the Navajo Police and Navajo Nation Courts sentencing individuals to serve jail time.

Several meetings were held with the Office of Management and Budget, Office of Contracts and Grants to discuss possible ways to continue operations of the adult detention program. There was a letter sent to the BIA, Office of Justice Services (OJS) on November 30, 2018 and again on May 01, 2019, requesting for additional funds (as provided for in the contract). NDOC offered options that BIA/OJS could consider keeping the adult corrections/detention facilities in operation through January 3, 2019.

The first request was denied by William McClure, Special Agent in Charge, Office of Justice Services, Albuquerque office during a telephone conference on December 3 & 4, 2018. Special Agent McClure states that the Bureau of Indian Affairs, Office of Justice Services does not have any funds to give to NDOC to carry personnel through the end of 2018. Special Agent McClure has not responded to the May 01, 2019 letter.

The closure of detention facilities across the Navajo Nation will have an immediate



impact on public safety for the Navajo people. The Navajo Police will not be able to arrest criminals due to lack of detention facilities. The courts would not be able to sentence criminals for creating chaos in communities throughout the Nation.

Your assistance in review and approval of our request is appreciated. Thank you.

CONCURRENCE



Jesse Delmar, Executive Director  
Division of Public Safety

cc: Jonathan Nez, President, Navajo Nation  
Paulson Chaco, Chief of Staff, Executive Branch  
Philip Francisco, Chief, Navajo Police  
Dale West, Director, Criminal Investigations  
Daniel Webb, Senior Attorney, NDOJ  
JoAnn Jayne, Chief Justice, Navajo Judicial Branch  
Jennifer Henry, (A), Chief Prosecutor  
David R. Charles, Corrections Lieutenant  
Juanita Begay, Principal Accountant  
file

# THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



May 1, 2019

Bureau of Indian Affairs/ Office of the Justice Services  
William McClure, Special Agent in Charge  
001 Indian School Road NW, Suite 251  
Albuquerque, New Mexico 87104

RE: Request for Additional Funds for Calendar Year 2019 - P.L. 93-638 Contract no.  
A18AV000235 – Adult Detention Services (Program)

Dear Mr. McClure:

Section 1(b) (5), Limitation of Costs, of the subject Model 108 Contract states, "If, at any time, the Contractor has reason to believe that the total amount required for the performance of this Contract or a specific activity conducted under this Contract would be greater than the amount of funds awarded under this Contract, the Contractor shall provide reasonable notice to the appropriate Secretary". Accordingly not only is the Navajo Nation (Nation) informing you the total FY 2019 funds allocated is insufficient to fully fund the Program for the calendar year 2019 but requesting additional funds herein.

The total funds allocated on CY 2019 AFA for the Program is \$5,204,511. Of this, \$221,833 is for Facility Operation and Maintenance and \$4,982,708 Tribal Priority Allocation (TPA) funds for operation. The TPA amount was budgeted for salary for one hundred fifty-three (153) personnel, fringe benefits and insurance premiums covering January 1 to August 26, 2019. The personnel are in the six (6) districts that provide direct Adult Detention Services on the Nation. Since the opening of the Tuba City and Kayenta correctional facilities, the population of inmates and costs of direct services at these two districts have increased. The cost increases are for personnel, food, hygiene supplies and clothing for inmates, and wear and tear of vehicles.

In order to continue Adult Detention Service operations at all six districts from August 27 to December 31, 2019, additional funding of \$3,348,076.08 is required, see worksheet.

Your favorable approval and timely response is appreciated. Should you have any questions, please contact Dr. Delores Greyeyes, NDOC Director, at 928-871-7555 or our office at (928) 871-6033.

Sincerely,  
THE NAVAJO NATION

A handwritten signature in black ink, appearing to read "Cordell Shortey", is written over a horizontal line.

Cordell Shortey, Contracting Officer



**REF: REQUEST FOR ADDITIONAL FUNDS; P.L. 93-638 CONTRACT NO.  
A18AV000235 - ADULT DETENTION SERVICES**

Page 02 of 02

**Attachment**

cc: Dr. Delores Greyeyes, Director, NDOC  
Jesse Delmar, Executive Director, NDPS  
Michelle Begay, Attorney, NNDOJ  
Paulson Chaco, Chief of Staff, OP/VP  
File



## THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT  
JONATHAN NEZ VICE PRESIDENT

November 30, 2018

William McClure, Special Agent in Charge  
James Begay, Supervisory Detention Specialist  
Office of the Justice Services  
1001 Indian School Road NW, Suite 251  
Albuquerque, New Mexico 87104

RE: REQUEST FOR ADDITIONAL FUNDS ON P. L. 93-638 CONTRACT NO. A18AV00235  
ADULT DETENTION SERVICES

Gentlemen:

Pursuant to the Section B(5) of the Navajo Nation's (Nation) subject contract with the BIA, be informed of the impending depletion of contract funding prior to the end of calendar year (CY) 2018 on December 31, 2018. Therefore, we are requesting you allocate additional funding of \$673,740 to continue services and finish out CY 2018. Attached as Exhibit "A" is a summary of the budget available on FY 2018 funds allocated and the additional need for the remainder of CY 2018.

Under the subject Contract, which covers Jan 1, 2018 to Dec 31, 2022, the Nation was allocated \$5,549,722 for administration in CY 2018. As of November 28, 2018, there is a balance of \$745,182.02. As shown on Rows 8 – 10 on the attached, based on average payroll per pay period ending (PPE) of \$210,900, the budget balance is sufficient for personnel salaries, fringe benefits and related expenses for PPEs November 23 and December 07, 2018. Beyond that there will be insufficient funds for the last two PPEs in CY 2018 as shown on Rows 17 – 19. Also budget for holiday pay / overtime and operating expenses is included on Row 20 - 21.

Currently, the Adult Detention Service has 147 personnel who serve six districts on the Nation. The personnel provide direct support services to all individuals who require detention placement services within the jurisdiction of the Nation and to protect the lives and property of persons visiting or residing within the boundaries of the Nation. The request for additional funds is to cover this.

At this time, the options available to Navajo Department of Correction (NDOC) who administers the said Contract on the matter are:

1. As requested herein, BIA allocate additional funds to the Contract to continue services through the end of the CY 2018
2. Cost share with the current Juvenile Detention contract for Districts with that have Juvenile Facilities.
3. Discontinue Adult Detention Services from December 8 – 31, 2018 and release all inmates and 147 employees during that time period.

Additional funds allocated to the Contract will alleviate options 2 and 3 and NDOC will be able to continue services without interruption.



Your favorable and timely response is appreciated. Should you have any question, contact Dr. Delores Greyeyes, Department Director NDOC at 928-871-7555.

Sincerely,  
THE NAVAJO NATION



Cordell Shortey, Contracting Officer  
Contracts and Grants Section / Office of Management and Budget

Attachment

Cc: file  
Bartholomew Stevens, Regional Director / BIA NRO  
Orlinda Platero, Awarding Official / BIA NRO  
Dwight Witherspoon, Chief of Staff / OPVP  
Jesse Delmar, Executive Director / DPS  
Dr. Delores Greyeyes, Department Manager / NDOC  
Michelle Begay, Attorney / NDOJ

Adult Detention Service  
Summary of Budget Available/ Additional Need  
November 30, 2018

| A   | B   | C          | D                            |
|-----|---|------------|------------------------------|
| No. | Description                                       |            | Balance / Summary            |
| 1   | <b>Budget Available</b>                           |            |                              |
| 2   | Balance as of Nov 28, 2018                        |            | \$ 745,182.00                |
| 3   | <b>LESS - Expenditure Obligation:</b>             |            |                              |
| 4   | Salaries PPE 11/23/18                             | 210,900.00 |                              |
| 5   | Salaries PPE 12/7/18                              | 210,900.00 |                              |
| 6   | Total Salaries                                    | 421,800.00 |                              |
| 7   | Fringe Benefits @43.85%                           | 184,959.30 |                              |
| 8   | Total Salaries / Fringe                           |            | 606,759.30                   |
| 9   | General Liability ( \$606,759.30/\$100 x .34)     |            | 2,062.98                     |
| 10  | Worker's Comp (\$421,800/\$100 x .88)             |            | 3,711.84                     |
| 11  | Budget Balance (Row 2-8-9-10)                     |            | \$ 132,647.88                |
| 12  | <b>Additional Budget Need to Complete CY 2018</b> |            |                              |
| 13  | Salaries PPE 12/21/18                             | 210,900.00 |                              |
| 14  | Salaries PPE 01/04/19                             | 210,900.00 |                              |
| 15  | Total Salaries                                    | 421,800.00 |                              |
| 16  | Fringe Benefits @43.85%                           | 184,959.30 |                              |
| 17  | Total Salaries / Fringe                           |            | 606,759.30                   |
| 18  | General Liability ( \$606,759.30/\$100 x .34)     |            | 2,062.98                     |
| 19  | Worker's Comp (\$421,800/\$100 x .88)             |            | 3,711.84                     |
| 20  | Holiday Pay/Overtime (\$100,000 + Fringe @43.85%) |            | 143,850.00                   |
| 21  | Operating Expenses: Travel, supplies, etc.        |            | 50,000.00                    |
| 22  | Total Budget 12/22-31/18 (Sum Row 17-21)          |            | \$ 806,384.12                |
| 23  | <b>Net Funding Need (Row 11-22)</b>               |            | <b>673,736.24 \$ 673,740</b> |



# THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

## DEPARTMENT OF CORRECTIONS *Administration Office*



### MEMORANDUM

TO: TO WHOM IT MAY CONCERN

FROM: Delores Greyeyes  
Delores Greyeyes, PhD, MSW, Director  
Department of Corrections  
DIVISION OF PUBLIC SAFETY

DATE: January 17, 2019

SUBJECT: STANDING DELEGATION OF AUTHORITY

Please be informed that this Standing Delegation of Authority supersedes any and all prior delegations from the date give above. The personnel listed below, in numerical order of succession, will be delegated authority to act in my capacity as Director of Corrections for the Department of Corrections (DOC), during my absence from the office for authorized business travel or on personal leave.

The authorized delegation will include all routine duties of the Department of Corrections, Director of Corrections. Any matter considered significantly questionable, regarding financial, budgeting, personnel or administrative issue would be left in my office for my immediate review, upon my return.

The standing Delegation of Authority will be effective immediately and remain in effect until such time or when officially rescinded.

Your cooperation is appreciated. If you have any questions, please direct them to my attention at (928) 871-7555. Thank you.

### ACKNOWLEDGEMENT:

1. David Charles  
David Charles, Corrections Lieutenant  
Crownpoint Department of Corrections
2. Juanita Begay  
Juanita Begay, Principal Accountant  
Department of Corrections - Administration
3. Ophelia R. Begay 1.20.19  
Ophelia Begay, Corrections Lieutenant  
Window Rock Department of Corrections

## **Gwen Williams**

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**From:** Cordell Shortey  
**Sent:** Wednesday, May 1, 2019 7:28 AM  
**To:** Contracts & Grants Section  
**Cc:** Dominic Beyer; Bahe Bitsilley  
**Subject:** Contracting Officer

LeVerne: Serve the capacity of the subject position today from 8am to 5pm. If the purpose of my leave is done early I will report to work after that. Thank you. Cshortey





# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
OFFICE OF JUSTICE SERVICES  
1001 Indian School Road NW - Suite 251  
Albuquerque, New Mexico 87104

IN REPLY REFER TO:  
District IV Office

**DEC 07 2018**

Honorable Russell Begaye  
President, The Navajo Nation  
P.O. Box 9000  
Window Rock, Arizona 86515-1060

Attention: Cordell Shorty, Contracting Officer  
Contracts and Grants Section, OMB

Dear President Begaye

The Bureau of Indian Affairs (BIA) Office of Justice Services (OJS) received your letter dated November 30, 2018 requesting additional funding to continue the provision of Adult Corrections program services for the remainder of calendar year 2018, and to avoid the release of all inmates and the furlough of 147 Navajo Nation employees.

In the letter, you indicated that the Nation has three (3) options available to address the immediate funding issue with which you are faced. The first option is for BIA OJS to allocate additional funding to the Nation in the amount of \$673,740 to increase the contract by the amount that will allow continued operation of Adult Corrections services. Unfortunately, the full-year base funding appropriation for the Nation's FY2018 Adult Corrections program has already been allocated and awarded under Contract No. A18AV00235. Thus, we regret to inform the Tribe that there are no available resources within BIA OJS to provide additional 106(a)(1) [ISDA] funding.

The second proposed option is to cost share expenditures with the Juvenile Corrections program funded through a P.L. 93-638 self-determination Contract No. A18AV00236. The third proposed option is for the Nation to "discontinue Adult Detention services from December 8 - 31, 2018 and release all inmates and 147 employees during that time."

Following receipt of your letter, we contacted the Nation to further discuss the options proposed in the letter, and assisted with identifying the cause of this sudden lack of funding. On December 6, 2018, we met with Tribal officials, public safety officials and personnel from the Nation's Office of Management and Budget and requested various forms of contract expenditure documentation to identify any available cost savings. During the meeting, we learned that the probable cause may be the result of salary increases granted to employees that are not sustainable without an increase to the base funding appropriations for this contract unless the number of employees is reduced.

The Nation provided financial reports and supporting documentation that verify that there will be a substantial amount of cost savings within the Juvenile Corrections Contract No. A18AV00236 at year end, December 31, 2018. Further, the Nation assured BIA OJS officials that if allowed to utilize Juvenile Corrections funding to meet the shortfall and fund the Adult Corrections program operations costs through December 31, 2018, it will not negatively affect the ability of the Nation to carry out the provision of Juvenile Corrections services under the self-determination contract.

During the meeting, we were notified that the Nation has taken necessary action to approve Tribal general funding to be used to fund this program in order to ensure that there will not be a shutdown of the Adult Corrections facility and to allow continued operation of program services under the contract. We were informed this action was taken to allow BIA OJS to respond to the notification letter and that, by doing so, it does not eliminate the Nation's request for additional funding or the possibility of exercising proposed option number two.

Given the circumstances, the discussions we have had with the Nation on this issue, and in order to support continued operation of both the Adult and Juvenile corrections programs, BIA OJS gives the Navajo Nation approval to utilize up to \$673,740 of FY2018 cost savings funding within the Juvenile Corrections Contract No. A18AV00236 for allowable Adult Corrections program expenditures under Contract No. A18AV00235 for the remainder of the calendar year 2018 funding period (through December 31, 2018). In order to accomplish this, you will need to work with the BIA Awarding Official at Navajo Region to execute the proper contract award documents to carry this out.

BIA OJS will conduct a complete and thorough review of all of the expenditure documentation provided to us during the meeting and set up a follow-up meeting to discuss options and work with the Tribe to identify proactive solutions that will work towards preventing similar situations from occurring in the future.

If you have additional questions or concerns, please feel free to contact James Begay at (505) 563-3005 or myself at (505) 563-3844.

Sincerely,

A handwritten signature in black ink, appearing to read 'William McClure', with a stylized, flowing script.

William McClure  
Special Agent in Charge

cc: Dwight Witherspoon, Chief of Staff/OPVP  
Jesse Delmar, Executive Director/ DPS  
Dr. Delores Greyeyes, Department Manager/NDOC  
Orlinda Platero Awarding Official, BIA Navajo Region  
Bartholomew Stevens, Regional Director, BIA Navajo Region



# THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

## DEPARTMENT OF CORRECTIONS *Administration Office*

### MEMORANDUM

TO: TO WHOM IT MAY CONCERN

FROM: *Delores Greyeyes*  
Delores Greyeyes, PhD, MSW - Director  
Department of Corrections  
DIVISION OF PUBLIC SAFETY

DATE: January 17, 2019

SUBJECT: **STANDING DELEGATION OF AUTHORITY**

Please be informed that this Standing Delegation of Authority supersedes any and all prior delegations from the date give above. The personnel listed below, in numerical order of succession, will be delegated authority to act in my capacity as Director of Corrections for the Department of Corrections (DOC), during my absence from the office for authorized business travel or on personal leave.

The authorized delegation will include all routine duties of the Department of Corrections, Director of Corrections. Any matter considered significantly questionable, regarding financial, budgeting, personnel or administrative issue would be left in my office for my immediate review, upon my return.

The standing Delegation of Authority will be effective immediately and remain in effect until such time or when officially rescinded.

Your cooperation is appreciated. If you have any questions, please direct them to my attention at (928) 871-7555. Thank you.

### ACKNOWLEDGEMENT:

1. *David Charles*  
David Charles, Corrections Lieutenant  
Crownpoint Department of Corrections
2. *Juanita Begay*  
Juanita Begay, Principal Accountant  
Department of Corrections - Administration
3. *Ophelia R. Begay 1.20.19*  
Ophelia Begay, Corrections Lieutenant  
Window Rock Department of Corrections

cc: *File*  
*Distribute Districts 7*

# THE NAVAJO NATION


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JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

## MEMORANDUM

**TO :** Division/Executive Directors and Staff  
**NAVAJO NATION EXECUTIVE OFFICES**

**FROM :**   
Paulson Chaco, Chief of Staff  
**THE NAVAJO NATION**


**DATE :** February 4, 2019


**SUBJECT :** **DELEGATION OF AUTHORITY - CHIEF OF STAFF**

Please be advised that the personnel listed below in the order of succession will be delegated in the capacity of Chief of Staff of the Navajo Nation Office of the President and Vice President during my absence. This delegation shall supersede any other delegations.

This delegation is for administrative purposes only. Policy decisions are not delegated and are reserved for the Navajo Nation President and Vice President. Your adherence to this delegation is appreciated. Should you have any questions, please call the office at 928-871-7000.

## ACKNOWLEDGED:

  
Dr. James Davis, Jr., Executive Staff Assistant  
Office of the President & Vice President

  
Yvonne Kee-Billison, Executive Staff Assistant  
Office of the President & Vice President

  
Levon Henry, Legal Counsel  
Office of the President & Vice President

cc: Navajo Nation Office of the Speaker  
Navajo Nation Judicial Branch  
Navajo Nation Office of the Controller  
File

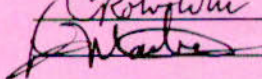


**SECTION 164 REVIEW FORM**Title of Document: Request for funds NDOC Adult Contact Name: GREYEVES, DELORESProgram/Division: DIVISION OF PUBLIC SAFETYEmail: dgreyeyes@navajo-nsn.gov Phone Number: 928.871.7555Division Director Approval for 164A: 

**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**☐ **Statement of Policy or Positive Law:** Sufficient ☐ Insufficient ☐

1. OAG: \_\_\_\_\_ Date: \_\_\_\_\_

☒ **IGA, Budget Resolutions, Budget Reallocations or amendments: (OMB and Controller sign ONLY if document expends or receives funds)**1. OMB: Digital - See OMB/CGS 5/21 memo Date: 5-21-19 ☐ ☐2. OOC: Rohy Wm Date: 5-29-19 ☐ ☒3. OAG:  Date: 6/3/19 ☒ ☐**Section 164(B) Final approval rests with the President of the Navajo Nation**☐ **Grant/Funding Agreement or amendment:**1. Division: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐2. OMB: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐3. OOC: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐4. OAG: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐☐ **Subcontract/Contract expending or receiving funds or amendment:**1. Division: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐2. BRD: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐3. OMB: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐4. OOC: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐5. OAG: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐☐ **Letter of Assurance/M.O.A./M.O.U./Other agreement not expending funds or amendment:**1. Division: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐2. OAG: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐☐ **M.O.A. or Letter of Assurance expending or receiving funds or amendment:**1. Division: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐2. OMB: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐3. OOC: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐4. OAG: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐





# NAVAJO NATION DEPARTMENT OF JUSTICE

## DOCUMENT REVIEW REQUEST FORM



|  |
|--|
| DOJ  |
| 5/29/19 @ 406p                                     |
| DATE / TIME  |
| <input checked="" type="checkbox"/> 1 Day Deadline |
| DOC #: 012460                                      |
| SAS #:   |
| UNIT: H59w   |

☐ RESUBMITTAL

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

### CLIENT TO COMPLETE

DATE OF REQUEST: 5/29/19 ENTITY/DIVISION: Public Safety  
CONTACT NAME: Delores Gregeges DEPARTMENT: Corrections  
PHONE NUMBER: 876-7555 E-MAIL:  
TITLE OF DOCUMENT: Request for funds NDOC Adult

#9

### DOJ SECRETARY TO COMPLETE

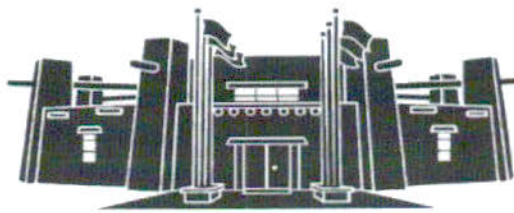
DATE/TIME IN UNIT: 5/30/19 @ 8:00 REVIEWING ATTORNEY/ADVOCATE: Dan  
DATE/TIME OUT OF UNIT: 6/4/19 @ 8:40

### DOJ ATTORNEY / ADVOCATE COMMENTS

Sufficient

|                              |                    |   |                 |
|------------------------------|--------------------|---|-----------------|
| REVIEWED BY: (PRINT)         | DATE / TIME        | SURNAMED BY: (PRINT)                          | DATE / TIME     |
| Daniel Watts                 | 3 June 19, 3:45 PM | Landis Hartine                                | 5/31/19 5:07 PM |
| DOJ Secretary Called: Marlon |                    | for Document Pick Up on 6/4/19 at 8:40 By: gm |                 |
| PICKED UP BY: (PRINT)        |                    | DATE / TIME:                                  |                 |





## MEMORANDUM

To : Hon. Edmund Yazzie, Council Delegate  
Navajo Nation Council

A handwritten signature in black ink, appearing to read "Ron Haven", written over a horizontal line.

From :  
Ron Haven, Attorney  
Office of Legislative Counsel

Date : August 28, 2019

Re : AN ACT RELATING TO LAW AND ORDER, BUDGET AND FINANCE, NAABIK'ÍYÁTI' AND NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF ONE MILLION FOUR HUNDRED FORTY-EIGHT THOUSAND, EIGHT HUNDRED AND SIXTY-EIGHT DOLLARS (\$1,448,868.00) FOR THE ADULT DETENTION PROGRAM WITHIN THE NAVAJO DEPARTMENT OF CORRECTIONS, DIVISION OF PUBLIC SAFETY, BUSINESS NUMBER - NEW; WAIVING 12 N.N.C. §§ 820(F) AND (L) REGARDING THE RESTRICTION OF APPROPRIATIONS OF NON-RECURRING REVENUES TO RECURRING COSTS

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. The resolution drafted is legally sufficient. However, as with any legislation, it can be subject to review by the courts in the event of proper challenge. Also, understand that the Speaker is authorized to refer this proposed resolution to other committees than those stated in the title.

You are advised and encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction. If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment.

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Ahéhee'.

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0265-19\_\_\_\_\_ SPONSOR: Edmund Yazzie

TITLE: An Act Relating to Law and Order, Budget and Finance, Naabik'iyáti' and Navajo Nation Council; Supplemental Funding from the Unreserved, Undesignated Fund Balance in the amount of One Million Four Hundred Forty-Eight Thousand, Eight Hundred and Sixty-Eight Dollars (\$1,448,868.00) for the Adult Detention Program within the Navajo Department of Corrections, Divisions of Public Safety, Business Number - NEW; Waiving 12 N.N.C. §§ 820(F) and (L) regarding the Restrictions of Appropriations of Non-Recurring Revenues to Recurring Costs

*Date posted:* September 5, 2019 at 5:01pm

Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto: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) 871-7590

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.*