LEGISLATIVE SUMMARY SHEET
Tracking No. 0104-19

DATE: April 30, 2019

SUBJECT: **AN ACTION RELATING TO THE LAW AND ORDER AND BUDGET AND FINANCE COMMITTEES; AMENDING THE NAVAJO DIVISION OF PUBLIC SAFETY FUND MANAGEMENT PLAN AS APPROVED IN BFCS-22-14**

PURPOSE: The purpose of this legislation is to approve amendments to the Navajo Division of Public Safety Fund Management Plan.

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 review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD:
Website Posting Time/Date: 5-7-19 2:11pm
Posting End Date: 5-12-19
Eligible for Action: 5-13-19

Law & Order Committee
Thence
Budget & Finance Committee

PROPOSED STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL – First Year, 2019

INTRODUCED BY

(Sponsor)

TRACKING NO. 0104-19

AN ACTION

RELATING TO THE LAW AND ORDER AND BUDGET AND FINANCE COMMITTEES; AMENDING THE NAVAJO DIVISION OF PUBLIC SAFETY FUND MANAGEMENT PLAN AS APPROVED IN BFCS-22-14

BE IT ENACTED:

Section One. Authority

A. The Law and Order Committee (LOC) and the Budget and Finance Committee (BFC) are standing committees of the Navajo Nation Council. 2 N.N.C. § 600(A) and 300(A).

B. The LOC has oversight of the Department of the Division of Public Safety. 2 N.N.C. § 601(C)(1).

C. The BFC is empowered to approve fund management plans upon the recommendation of the appropriate oversight committee and the affected division or branch. 2 N.N.C. § 301(B)(14).

Section Two. Findings

A. The Navajo Nation entered into a Memorandum of Agreement with the Navajo Gaming Enterprise in January 2013 to provide a law enforcement presence at the Navajo Nation gaming facilities.

B. The Navajo Nation initially approved a fund management plan for the Navajo Division of Public Safety through Resolution BFMY-15-13. The fund management plan was subsequently amended through Resolution BFSC-22-14.

C. The proposed amendments to the fund management will allow the Division of Public Safety to fully support and pay for the operation and maintenance expenses of the Twin Arrows Public Safety Building not otherwise funded through the Navajo Nation's fixed cost budget.

D. The proposed amendments to the fund management plan for the Division of Public Safety are attached as **Exhibit A**.

E. For reference, a clean copy incorporating amendments to the current fund management plan is attached as **Exhibit B.**

F. The Navajo Division of Public Safety recommends the approval of the proposed amendments. A memorandum recommending the approval of the proposed amendments is attached as **Exhibit C**.

Section Three. Approval

The Navajo Nation approves the amendments to the Navajo Division of Public Safety as attached in **Exhibit A**.

NAVAJO DIVISION OF PUBLIC SAFETY
FUND MANAGEMENT PLAN
(Amended)
Amendment No. 2

I. ESTABLISHMENT

There is hereby established the Navajo Division of Public Safety Fund Management Plan for use by the Navajo Division of Public Safety.

II. CRITERIA

1. The Navajo Nation, through the Navajo Division of Public Safety ("NDPS"), has entered into a Memorandum of Agreement ("MOA") with the Navajo Nation Gaming Enterprise ("NNGE") to provide police services to Navajo Gaming Facilities.

2. The MOA requires that on-site police services be provided to the "Fire Rock Navajo Casino" located in Church Rock, Chapter, McKinley County; "Flowing Water Navajo Casino" located within Tsé Daak'aan Chapter, San Juan County; and "Northern Edge Navajo Casino" located within Upper Fruitland Chapter, San Juan County and "Twin Arrows Navajo Casino Resort" located in Leupp Chapter, Coconino County.

3. The ~~total~~ negotiated fee for this service is $36,000 per month or $432,000 per year for "Fire Rock Navajo Casino", "Flowing Water Navajo Casino", and "Northern Edge Navajo Casino". The ~~total~~ negotiated fee for this service is 25,000 per month or $300,000 per year for "Twin Arrows Navajo Casino Resort". The total negotiated fee for this service is $732,000 per year. The term of the MOA is perpetual, unless otherwise terminated pursuant to the requirements set forth in the MOA.

4. NDPS will use the funds generated to support the operation needs of NDPS police officers and the Department of Corrections.

5. This includes using the fund for personnel related expenses for overtime, training, lodging, meals, travel equipment, supplies and awards.

6. NDPS will also use the funds to purchase new patrol vehicles. The funds will also be used to pay associated expenses, including fees, insurance and repair work.

7. On an annual basis, beginning in FY 2019, NDPS will use the funds to fully support and pay for the operation and maintenance expenses of the Twin Arrows Public Safety Building, not otherwise paid for from the Navajo Nation's fixed cost budget.

~~7.~~8. The funds will be expended in accordance with Navajo Nation law, including the Navajo Business Opportunity Act.

~~8.~~9. Unexpended revenue ~~generated~~ shall ~~be non-expiring~~ not lapse and will remain in the account until fully expended.

III. EXPENDITURE REQUIREMENTS

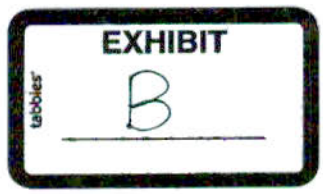
All funds paid under this Police Service MOA shall be deposited with the Office of the Controller and the NN Controller's Office shall establish a new fund, separate from the general fund. All deposits to this new fund will be credited to NDPS and all expenditures to this new fund will be dedicated to the use of NDPS Police Services and the Department of Corrections. All funds received both existing and forthcoming shall be credited to this new account.

1. The Division Director, in the manner prescribed by Navajo Nation policy, procedure, law, rule and regulation, shall prepare an annual budget for the fund. This budget will be reviewed and approved by the appropriate offices and authorities. The budget shall include a projection of the funds that will be generated set out in the MOA and will be allocated and expended consistent with Sections II (4) and (5).

2. The Accounting Manager(s), Office of the Controller and Office of Management and Budget, in a manner prescribed by Navajo Nation policy, procedure, law, rule and regulation, shall (1) establish a Revenue Fund Account for the deposit of funds described in Section II(3) above; (2) review and regulate expenditures from such fund to ensure compliance with existing Navajo Nation policy, procedure, law, rule or regulations regarding the fund; and (3) maintain an accurate accounting of all transactions.

IV. AMENDMENTS

This Fund Management Plan may be amended from time to time by the Budget and Finance Committee of the Navajo Nation Council upon the recommendation of the Director of the Division of Public Safety.



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3. The total negotiated fee for this service is $36,000 per month or $432,000 per year for "Fire Rock Navajo Casino", "Flowing Water Navajo Casino", and "Northern Edge Navajo Casino". The total negotiated fee for this service is 25,000 per month or $300,000 per year for "Twin Arrows Navajo Casino Resort". The total negotiated fee for this service is $732,000 per year. The term of the MOA is perpetual, unless otherwise terminated pursuant to the requirements set forth in the MOA.

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5. This includes using the fund for personnel related expenses for overtime, training, lodging, meals, travel equipment, supplies and awards.

6. NDPS will also use the funds to purchase new patrol vehicles. The funds will also be used to pay associated expenses, including fees, insurance and repair work.

7. On an annual basis, beginning in FY 2019, NDPS will use the funds to fully support and pay for the operation and maintenance expenses of the Twin Arrows Public Safety Building, not otherwise paid for from the Navajo Nation's fixed cost budget.

7.8. The funds will be expended in accordance with Navajo Nation law, including the Navajo Business Opportunity Act.

8.9. Unexpended revenue generated shall be non-expiring not lapse and will remain in the account until fully expended.

III. EXPENDITURE REQUIREMENTS

All funds paid under this Police Service MOA shall be deposited with the Office of the Controller and the NN Controller's Office shall establish a new fund, separate from the general fund. All deposits to this new fund will be credited to NDPS and all expenditures to this new fund will be dedicated to the use of NDPS Police Services and the Department of Corrections. All funds received both existing and forthcoming shall be credited to this new account.

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IV. AMENDMENTS

This Fund Management Plan may be amended from time to time by the Budget and Finance Committee of the Navajo Nation Council upon the recommendation of the Director of the Division of Public Safety.

THE NAVAJO NATION

RUSSELL BEGAYE
JONATHAN NEZ

EXHIBIT C

DIVISION OF PUBLIC SAFETY
OFFICE OF THE DIVISION DIRECTOR

M E M O R A N D U M

TO: Honorable Navajo Nation Council Delegates
23rd Navajo Nation Council

FROM:
Jesse Delmar, Division Director
Navajo Division of Public Safety

DATE: October 16, 2018

SUBJECT: Proposed Amendments to the Navajo Division of Public Safety (NDPS) Fund Management Plan

On behalf of the Navajo Division of Public Safety and consistent with Resolution Nos. BFMY-15-13 and BFCS-22-14, paragraph IV, I recommend approval of the proposed amendments to the NDPS Fund Management Plan sponsored by the Honorable Council Delegate Bennett.

Approval of the amendments will authorize the Division of Public Safety to use available funds to fully support and pay for the operation and maintenance expenses of the Twin Arrows Public Safety Building, not otherwise paid for from the Navajo Nation's fixed cost budget. The Twin Arrows Public Safety Building is tribal property and the Division is responsible to ensure the proper operation and maintenance of the building.

Thank you for your consideration of this request. Should you have any questions, please contact me directly.

xc: Levon Henry, Chief Legislative Counsel
Office of the Legislative Counsel

Philip Francisco, Chief of Police
Navajo Division of Public Safety

Navajo Division of Public Safety PO Box 3360 Window Rock, Arizona 86515
Telephone: 928-871-6581 Fax: 928-871-7087

Office of Legislative Counsel
Telephone: (928) 871-7166
Fax # (928) 871-7576

Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

TO: Honorable Edmund Yazzie
24th Navajo Nation Council

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

DATE: April 30, 2019

SUBJECT: AN ACTION RELATING TO THE LAW AND ORDER AND BUDGET AND FINANCE COMMITTEES; AMENDING THE NAVAJO DIVISION OF PUBLIC SAFETY FUND MANAGEMENT PLAN AS APPROVED IN BFCS-22-14

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge.

Please ensure that this particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

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

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.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0104-19_____ SPONSOR: Edmund Yazzie

TITLE: An Action Relating To The Law And Order And Budget And Finance Committees; Amending The Navajo Division Of Public Safety Fund Management Plan As Approved In BFCS-22=14

Date posted: May 7, 2019 at 2:16pm

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) 871-7590

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.*