

**RESOLUTION OF THE
LAW AND ORDER COMMITTEE OF THE
24th NAVAJO NATION COUNCIL - Fourth Year, 2022**

AN ACTION

RELATING TO THE LAW AND ORDER COMMITTEE; APPROVING AND RECOMMENDING TO THE BUDGET AND FINANCE COMMITTEE THE FISCAL YEAR 2023 BUDGET FOR THE NAVAJO NATION OFFICE OF HEARINGS AND APPEALS AND RELATED MATTERS, TO BE INCLUDED IN THE NAVAJO NATION'S COMPREHENSIVE BUDGET FOR FISCAL YEAR 2023

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Law and Order Committee ("LOC") is a standing committee of the Navajo Nation Council with oversight authority over the Judicial Branch. 2 N.N.C. §600(A); 2 N.N.C. §601(C)(1).
- B. Each Oversight Committee, including the LOC, shall review and make recommendations regarding the programs under its oversight responsibility, regarding the Navajo Nation's Comprehensive Budget for the upcoming Fiscal Year. 12 N.N.C. §840(A).

SECTION TWO. FINDINGS

- A. In accordance with 12 N.N.C. §840(A), the LOC held hearings and took relevant testimony regarding the FY2023 Budget for the Office of Hearings and Appeals.
- B. During these budget meetings, the LOC reviewed and considered the proposed FY2023 Budget for the Office of Hearings and Appeals, as commented upon by members of the public.

SECTION THREE. APPROVING AND RECOMMENDING TO THE BUDGET AND FINANCE COMMITTEE THE FISCAL YEAR 2023 BUDGET FOR THE OFFICE OF HEARINGS AND APPEALS AND RELATED MATTERS

- A. The Law and Order Committee hereby approves the FY2023 Budget for the Office of Hearings and Appeals, as detailed in the "Fund Type Budget Summary" attached hereto as **Exhibit A**.
- B. The LOC hereby approves certain revisions to the Branch Chiefs' proposed FY2023 Budget amount for the Office of Hearings and Appeals, as shown in Columns D and E in the "General Fund Comparative Summary" attached hereto as **Exhibit B**.

- C. The LOC recommends the changes to the General Fund Budget described in **Exhibit C**.
- D. The LOC recommends certain Conditions of Appropriation and Legislative Concerns, as listed in **Exhibit D**.
- E. The LOC recommends that certain Unmet Needs for the Office of Hearings and Appeals be included in the FY2023 Comprehensive Budget, as explained in **Exhibit E**.
- F. The LOC hereby recommends that the Budget and Finance Committee approve the Office of Hearings and Appeals proposed FY2023 Budget and all Committee recommendations, as set forth in **Exhibits A - E**.
- G. As necessary and appropriate, the LOC hereby authorizes the LOC Chair and Vice-Chair to negotiate the LOC's recommendations herein with the Budget and Finance Committee.

SECTION FOUR. RECOMMENDING TO THE BUDGET AND FINANCE COMMITTEE CARRYOVERS FOR THE NAVAJO NATION OFFICE OF HEARING AND APPEALS

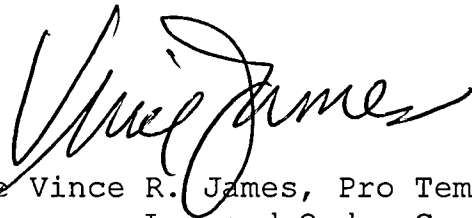
- A. The Law and Order Committee recommends the carryover of \$224,068.83 or unexpended balance for a new building, # 9052, that meets safety standards and handicap standards. The current Office of Hearing and Appeals building will be condemned.
- B. The Law and Order Committee recommends the carryover of \$15,000.00 or unexpended balance for Land Improvements, # 9014, to be used for demolition of old infrastructure to prepare site for a new building.
- C. The Law and Order Committee recommends the carryover of \$10,000.00 or unexpended balance for parking lot/ sidewalk/ handicap ramp, # 9026.
- D. The Law and Order Committee recommends the carryover of \$7,000.00 or unexpended balance for waterlines, # 9038.
- E. The Law and Order Committee recommends the carryover of \$5,000.00 or unexpended balance for powerlines, # 9040.
- F. The Law and Order Committee recommends the carryover of \$5,000.00 or unexpended balance for water or waste water, # 9042.

SECTION FIVE. SAVING CLAUSE

If any portion of this Action is determined invalid by the Navajo Nation Supreme Court, or by a District Court of the Navajo Nation without appeal to the Navajo Nation Supreme Court, the remainder of this Act shall be the law of the Navajo Nation.

CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by the Law and Order Committee of the 24th Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 02 in Favor, and 00 Opposed on this 1st day of August 2022.

A handwritten signature in black ink, appearing to read "Vince James", is written over the printed name and title.

Honorable Vince R. James, Pro Tem Chair
Law and Order Committee

Motioned: Honorable Eugene Tso
Seconded: Honorable Eugenia Charles-Newton

Fiscal Year 2023

The Navajo Nation Fund Type Budget Summary

EXHIBIT A

Branch: Office of President/Vice President

Division/Office: Office of Hearings and Appeals

[illegible]

Fiscal Year 2023

The Navajo Nation
General Fund Comparative Summary

EXHIBIT B

Branch: Office of President/Vice President		Division/Office: Office of Hearings and Appeals		
(A) Business Unit Number	(B) Program Title	(C) Branch Chief's Proposed FY 2023 General Fund Budget	(D) Oversight Committee's Recommended FY 2023 General Fund Budget	(E) Plus or Minus \$ Difference (Column D - Column C)
103004	Office of Hearings and Appeals	487,451		
TOTAL:		487,451	0	0

Fiscal Year 2023

The Navajo Nation
Recommended Changes to the General Fund Budget

EXHIBIT C

Branch: Office of President/Vice President Division/Office: Office of Hearings and Appeals

Business Unit Number	Program Title	Explanation of Oversight Committee Recommended Changes to the Fiscal Year 2023 General Fund Budget (Increase or Decrease \$ Amount)
103004	Office of Hearings and Appeals	

Fiscal Year 2023

The Navajo Nation
Recommended Conditions of Appropriations and Legislative Concerns

EXHIBIT D

Branch: Office of President/Vice President Division/Office: Office of Hearings and Appeals

Business Unit Number	Program Title	Brief Narrative of Recommended Condition of Appropriation (COA) or Legislative Concern (LC)
103004	Office of Hearings and Appeals	



**THE
NAVAJO
NATION**

OFFICE OF HEARINGS AND APPEALS

EXHIBIT

F

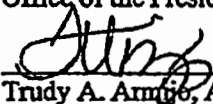
JONATHAN NEZ
President

MYRON LIZER
Vice President

MEMORANDUM

TA-022-22

To: Paulson Chaco, OPVP Chief of Staff
Office of the President/Vice President

From: 
Trudy A. Amigo, Administrative Assistant
Office of Hearings and Appeals

Date: July 28, 2022

Re: Request for FY 22 Carry over funding.

The Office of Hearings and Appeals (OHA) respectfully requests the Office of the President/Vice President to approve the request for Carry Over funds from the FY22 OHA budget to forward into the FY 23 budget.

As of July 28, 2022 our budget is not being spent in accordance to the needs of the program due to reasons we have yet to figure out.

Our biggest concern is at any time we are going to be asked to vacate the premises due to building issues that will affect staff who are exposed to the unhealthy situation of the building. Should this happen there are no vacant buildings in the area to house OHA and the business that we conduct.

We are requesting for approval to Carry Over \$266,068.83 to work on getting a building that will be up to code/standards for business that is conducted within OHA. Funding will start with the preparation of property for building site. Funds will also be utilized for the power and water source needed for staff and offices.

Your assistance in approving Carry Over funding for this project will be in the best interest of OHA and those that utilize the office to conduct business. If you have any question regarding matter, please contact me at 928-871-7835.

Xc: Attachment

Request Summary for Carry Over Funding

Office: Office of Hearings and Appeals

Ranking	Department	Business Unit	Funding Amount Requested	Brief Justification
1.	Office of Hearings and Appeals	Building-9052	224,068.83	OHA is in need of a building that meets safety standards and the handicap standards. Current building will be condemned.
2.	Office of Hearings and Appeals	Land Improvements - 9014	15,000	Demolition: remove old infrastructure that was left to prepare site for new building.
3.	Office of Hearings and Appeals	Parking lot/ sidewalk/ Handicap ramp - 9026	10,000.	To comply with NOSHA policies for building accessibility including those with disabilities.
4.	Office of Hearings and Appeals	Waterline - 9038	7,000	Waterline to get set up into building.
5.	Office of Hearings and Appeals	Powerline - 9040	5,000	Poles for powerline and box to be connected to building.
6.	Office of Hearings and Appeals	Water/waste water - 9042	5,000	Set up for waste water to go into main system.

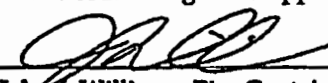
THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE-PRESIDENT



MEMORANDUM

TO : Joe B. Aguirre, Hearing Officer
Office of Hearings and Appeals

FROM : 
John J. Williams, Fire Captain
Navajo Nation Dept. of Fire & Rescue

DATE : July 28, 2022

SUBJECT : Facility Fire Inspection

The fire inspection completed on July 28, 2022, violations noted throughout the business occupancy of Office of Hearings and Appeals. Below is a list of violations that are to be corrected before September 5, 2022.

1. Exit Doors located at the main entrance and near the restrooms do not swing in the direction of egress.
2. Fire Extinguisher are not mounted correctly in 1 office.
3. Fire Extinguishers need to be serviced. All extinguishers have last been checked as of 2010. 12 years overdue.
4. Combustibles stored close to heat producing appliances in the south office.
5. Occupancy load not posted in conspicuous place.
6. Mixed use occupancy does not comply with Life Safety Code. Assembly of occupants in a business type occupancy should have 1 hour fire rated walls, doors, and separation in the place of assembly.
7. With assembly inside the business office, the allowed maximum occupancy load is 20. Navajo Dept. of Health's Public Health Order No. 2021-020 paragraph VI.C orange status is defined as: 50% of maximum occupancy allowed for most businesses to open; this brings the occupancy load to 10.

The violations are to be corrected by September 5, 2022. If you have any questions, contact me at (928) 871-6915. Thank you.

xc: file

Navajo Nation Fire Department
PO Box 3360 Window Rock, Arizona 86515
FACILITY FIRE INSPECTION REPORT
TEL: (928) 871-6915 FAX: (928) 871-6917

Date of Inspection: July 24, 2022 Purpose of Inspection: ☒ Complaint ☐ Annual ☐ Re-Inspection ☐ Other
Business: Office of Hearing & Appeals Owner/Manager: Joe B. Aguirre
Address: West of Training Center WLR 12 86515 Telephone: (928) 871-7836

☐ No Fire Code Violations noted at this time.

☒ Fire Code Violations were noted:

☒ This Inspection Report is an official NOTICE OF CORRECTION and ordered to comply by:

9 / 5 / 22

Violation(s):

1. Exits

- ☐ a. Exit signs not properly posted AND illuminated. Violation/Location: _____
- ☐ b. Emergency lighting not operational OR correctly lighting egress path. Location: _____
- ☐ c. Exits AND egress paths not free from obstructions and are blocked or chained.
- ☐ d. No sign posted adjacent to door. "THIS DOOR TO REMAIN UNLOCKED DURING BUSINESS HOURS"
- ☐ e. Panic hardware not operational AND/OR removed. Violation/Location: _____
- ☐ f. Number of exits inadequate for occupancy. Violation: _____
- ☒ g. Exit door(s) do(es) not swing in direction of egress. Location: Front Door / door near bathroom

2. Fire Extinguisher(s)

- ☐ a. Number and type of extinguishers not adequate for occupancy.
- ☒ b. Fire extinguishers not mounted correctly and obscured/obstructed from view. Location: 2nd office table North
- ☐ c. Fire extinguisher(s) spaced too far apart.
- ☒ d. Fire extinguisher(s) need to be serviced. Location: Both 2010 / L&L 1st Aid 2018
- ☐ e. Record history of maintenance and inspections not being performed.

3. Electrical

- ☐ a. Using extension cords in place of permanent wiring.
- ☐ b. Circuit breakers not labeled AND/OR outside meter not secured.
- ☐ c. Outlets without cover plates. Location: _____
- ☐ d. GFCI not installed. Location: _____
- ☐ e. Damaged or spliced wiring. Location: _____
- ☐ f. Excessive use of power-taps and overloaded outlets. Location: _____
- ☐ g. Series (wattage/ampereage) overloading. Location: _____
- ☐ h. Power cords extending through walls, under doors or floor coverings, ceilings, OR are subject to environmental or physical damage.

4. Housekeeping

- ☐ a. Vegetation and combustible debris too close to occupancy, other structures AND/OR LP gas tanks.
- ☐ b. Excessive trash/rubbish accumulation inside occupancy AND inadequate removal.
- ☐ c. Excessive dust accumulation on floors and other surfaces.
- ☐ d. Hood system (stove, fryers, grills, etc.) filters, fusible links, and ducting with heavy grease and dust accumulation.
- ☐ e. Excessive use of decorative materials affixed and/or hanging on walls and ceilings.

5. Storage

- ☐ a. Combustibles stored in boiler, furnace, electrical and other mechanical rooms, AND/OR under stairways.
- ☒ b. Combustibles stored too close to heat producing appliances. Location: Office
- ☐ c. Combustibles stored too close to the ceiling. Violation: _____
- ☐ d. Flammable liquids not stored in approved cabinets AND/OR exceeds the maximum quantity permitted to be stored.
- ☐ e. Compressed gas cylinder unsecured, stored improperly AND exceeds quantity. Violation: _____
- ☐ f. Material Safety Data Sheets (MSDS) not readily available.

6. Fire Protection System

- ☐ a. Fire detection systems (smoke, heat or flame detectors) non-existent OR inadequate for occupancy.
- ☐ b. Alarm systems non-existent OR non-operational for occupancy.
- ☐ c. Smoke detectors needed. Location: _____
- ☐ d. Sprinkler control valves not opened, labeled AND/OR unsecured. Violation: _____
- ☐ e. Additional sprinkler heads OR wrench not available.
- ☐ f. Sprinkler heads being obstructed by decorations, storage or dust/grease accumulation.
- ☐ g. Fire detection, suppression (sprinkler & hood system) and notification systems in need of service.
- ☐ h. FDC and standpipes not secured and/or obstructed from debris.
- ☐ i. Hydrants on premises covered, obstructed from view, and/or inoperable. Violation: _____

7. Construction

- ☐ a. Walls, ceiling, and/or floor need repair. Violation: _____
- ☐ b. Fire doors not kept closed AND not in working order. Violation/Location: _____
- ☐ c. Penetrations through rated walls and floor partitions. Location: _____
- ☐ d. Railings on stairwells not installed OR in need of repair.
- ☐ e. Other _____

8. Fire Department Access

- ☐ a. Fire lane(s) not identified AND/OR signs posted.
- ☐ b. Access road is not adequate in width. Violation: _____
- ☐ c. Access road has no cul-de-sac OR hammer head. Violation: _____
- ☐ d. Access road does not have an adequate vertical clearance. Violation: _____
- ☐ e. Access roads, fire lanes, and occupancy access is impeded. Violation: _____

9. Miscellaneous


- ☒ a. Occupancy load not posted in conspicuous place.
- ☐ b. Fire escape plans not posted AND practice not documented or conducted.
- ☐ c. No first aid cabinets available.
- ☐ d. Employee training on fire extinguishers, chemical right to know and First Aid/CPR not being conducted.
- ☐ e. "NO SMOKING" signs not posted. Location: _____
- ☒ f. Other Assembly occupancy not sufficient in a business type occupancy. Reduce occupancy load to meet Fire/Life Safety Code.

10. Additional Comments and/or Requirements:

The Navajo Nation Fire Department has conducted a facility fire safety inspection of your property. During this inspection, conditions affecting fire safety throughout the premises were also noted. It is requested that the items listed above be given immediate attention in the interest of fire and life safety.

WARNING: This inspection of your premises is not intended to be a guarantee or representation that you will not have a fire or that your property is completely safe from fires. You are cautioned to personally and continually inspect your property for fire hazards and to seek professional repairs or services as may be necessary.

If at any time questions regarding fire safety arise, do not hesitate to contact your local fire department at (928) 871-6945

Inspector Name: <u>John Williams</u>	Inspector Signature: 
Date of Inspection: <u>July 28, 2022</u>	Business Representative Signature:

LAW AND ORDER COMMITTEE

Special Meeting

August 01, 2022

Legislation No. 0121-22: An Action Relating to the Law and Order Committee; Approving and Recommending to the Budget and Finance Committee the Fiscal Year 2023 Budget for the Navajo Nation Office of Hearings and Appeals and Related Matters, to be included in the Navajo Nation's Comprehensive Budget for Fiscal Year 2023 –*Sponsors: Honorable Eugenia Charles-Newton/Co-Sponsor: Honorable Otto Tso*

VOTE TALLY SHEET:

Main Motion:

Motion: Honorable Eugene Tso

Second: Honorable Eugenia Charles-Newton

Vote: 2-0-3

Yea: Honorable Eugenia Charles-Newton/Honorable Eugene Tso

Nay:

Not Voting: Honorable Vince James

Excused: None

Absent: Honorable. Otto Tso/Honorable Edmund Yazzie

Amendment No. 1:

Motion: Honorable. Eugene Tso

Second: Honorable Eugenia Charles-Newton

Vote: 2-0-3

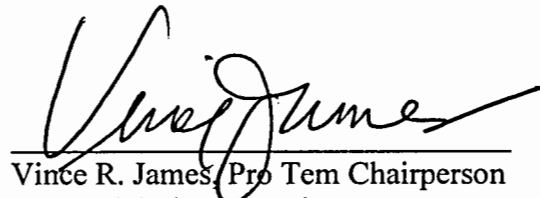
Yea: Honorable Eugenia Charles-Newton/Honorable Eugene Tso

Nay:

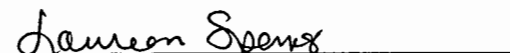
Not Voting: Honorable Vince James

Excused: None

Absent: Honorable Otto Tso/Honorable Edmund Yazzie



Vince R. James, Pro Tem Chairperson
Law and Order Committee
24th Navajo Nation Council



Laureen Spencer, Legislative Advisor
Office of Legislative Services