

LEGISLATIVE SUMMARY SHEET

Tracking No. 0386-17

DATE: September 19, 2017

TITLE OF RESOLUTION: AN ACTION RELATING TO LAW AND ORDER, RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; ADOPTING THE SÍHASIN FUND EMERGENCY MANAGEMENT EXPENDITURE PLAN PURSUANT TO CD-68-14 AND 12 N.N.C §§ 2501 – 2508; WAIVING NAVAJO TELECOMMUNICATIONS REGULATORY COMMISSION'S STATUTORY AUTHORITIES TO IMPLEMENT THE 9-1-1 EMERGENCY RESPONSE SYSTEM

PURPOSE: This proposed resolution approves the Navajo Division of Public Safety's expenditure plan for direct funding from the Síhasin Fund for the establishment and upgrade of the Navajo Nation's Emergency 9-1-1 System, Broadcast Emergency Response (AMBER) Alert System and Public Safety Records Management System.

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

5-DAY BILL HOLD PERIOD: None
Website Posting Time/Date: 10:10pm 6/9/17
Posting End Date: 6/24/2017
Eligible for Action: 6/25/2017

Law & Order Committee

THENCE

Resources & Development Committee

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Budget & Finance Committee

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Naa'bik'iyáti' Committee

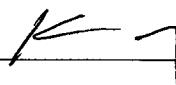
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Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

23rd NAVAJO NATION COUNCIL – Third Year, 2017

INTRODUCED BY


(Prime Sponsor)

Kase Allen Begay Jr.

TRACKING NO. 038617

AN ACTION

RELATING TO LAW AND ORDER, RESOURCES AND DEVELOPMENT,
BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO
NATION COUNCIL; ADOPTING THE SÍHASIN FUND EMERGENCY
MANAGEMENT EXPENDITURE PLAN PURSUANT TO CD-68-14 AND 12
N.N.C §§ 2501 – 2508; WAIVING NAVAJO TELECOMMUNICATIONS
REGULATORY COMMISSION'S STATUTORY AUTHORITIES TO
IMPLEMENT THE 9-1-1 EMERGENCY RESPONSE SYSTEM

BE IT ENACTED:

Section One. Authority

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102 (A).
- B. The Naabik'iyati' Committee of the Navajo Nation Council is empowered to review all proposed legislation which requires final action by the Navajo Nation Council. 2 N.N.C. §164(A)(9).
- C. The Naabik'iyati' Committee of the Navajo Nation Council has also delegated telecommunication regulatory authorities to the Navajo Telecommunications Regulatory Commission. 2 N.N.C. § 3453(A), as amended by Navajo Nation Council Resolution No. CAP-10-11, Section Five, Subsection A.

- 1 D. The Budget and Finance Committee of the Navajo Nation Council is empowered to
2 review and recommend to the Navajo Nation Council the budgeting, appropriation,
3 investment, and management of all funds. 2 N.N.C. § 301 (B) (2).
- 4 E. The Resource Development Committee of the Navajo Nation Council is
5 empowered to exercise oversight authority over communications and utilities,
6 information technology and telecommunications, as well as economic and
7 community development, and to oversee planning and coordinating of all rural
8 addressing activities of the Navajo Nation. 2 N.N.C. §§ 500 (C) and (C) (8).
- 9 F. The Law and Order Committee of the Navajo Nation Council is empowered to
10 provide legislative oversight on matters involving law enforcement and emergency
11 management for the following purposes: to enhance the operations and coordination
12 of all departments within the Navajo Division of Public Safety; to enable the
13 Navajo Nation to more effectively provide efficient public safety services on the
14 Navajo Nation; and to support effective cooperation and coordination between
15 Navajo Nation law enforcement agencies and that of the various states and federal
16 government law enforcement agencies. 2 N.N.C. §§600 (C) and (C)(5) through
17 (C)(7).

18 19 **Section Two. Findings**

- 20 A. The 22nd Navajo Nation Council recognized that during the many decades that the
21 United States was in breach of its trust obligations and fiduciary duties to the
22 Nation, the tribal government was without funds to develop the comprehensive
23 nation-wide infrastructures necessary to support and promote community growth
24 and sustainability through the expansion of economic development, as well as to
25 provide the educational opportunities, critical for the prosperity of current and
26 future generations of Diné. *See* Resolution No. CMY-28-14.
- 27 B. On December 13, 2014, the 22nd Navajo Nation Council adopted Resolution No.
28 CD-68-14 enacting the Navajo Nation Breach of Trust Settlement Act of 2014
29 (hereinafter “2014 Act”) and establishing the Navajo Nation Síhasin Fund at 12
30

1 N.N.C. § 2501 et seq. The President of the Navajo Nation signed Resolution No.
2 CD-68-14 into law on December 31, 2014.

3 C. The 2014 Act mandated that the net proceeds and earnings received by the Navajo
4 Nation from the settlement of *Navajo Nation v. United States*, No. 06-945L, and
5 that, when duly designated, the net proceeds of settlements or judgement awards of
6 other litigation(s) brought against the United States concerning its failure to ensure
7 that the Navajo Nation received all funds due and owing under the United States'
8 trust obligations and fiduciary duties, be deposited into the Síhasin Fund and
9 managed and invested to provide financial support and/or financing for (1) the
10 planning and development of regional infrastructure supporting economic and
11 community development, including housing, within the Navajo Nation; and/or (2)
12 education opportunities for members of the Navajo Nation. See 12 N.N.C § 2501
13 and § 2502 (A).

14 D. The 2014 Act also established that with the exception of outstanding and accrued
15 litigation costs, Síhasin Fund Principal and Income shall only be expended pursuant
16 to a Fund Expenditure Plan consistent with the purposes set forth in the 2014 Act at
17 12 N.N.C. §2502 and adopted by a two-thirds (2/3) vote of all members of the
18 Navajo Nation Council. See 12 N.N.C. § 2505 (A).

19 E. On April 9, 2015, the Naabik'íyáti' Committee adopted NABIAP-20-15
20 establishing the Naabik'íyáti' Síhasin Fund Subcommittee to "review and evaluate
21 the Public Hearing comments and recommendations from the Navajo People" and
22 "recommend to the Naabik'íyáti' Committee and Navajo Nation Council financial
23 support and/or financing plan(s) for the purposes designated in CD-68-14, *Navajo*
24 *Nation Breach of Trust Settlement Act of 2014, establishing the Síhasin Fund.*"

25 F. The Síhasin Fund Subcommittee determined that for an expenditure plan to fully
26 meet the leveraging criteria of the 2014 Act, the expenditure plan shall not rely on
27 Síhasin Funds for full direct project funding, unless such funds are to be repaid
28 under a loan agreement, and instead must utilize the Síhasin Funds for (1) match
29 funding, joint funding, contribution funding, cost-share funding or similar weighted
30

1 uses of the funds; (2) reimbursement funding; and/or (3) loan or bond financing or
2 guarantee.

3 G. After reviewing the comments submitted during the Public Hearings and town hall
4 meetings, as well as the reports and comments made during Síhasin Fund
5 Subcommittee meetings, the Subcommittee determined that effective and efficient
6 public safety systems are critical to protecting the Navajo Nation populace, as well
7 as property on the Navajo Nation, and that the Nation's current public safety
8 systems are either seriously outdated, technologically inadequate or completely
9 non-existent resulting in potentially substantial impediments to the safety and
10 protection of persons and property within the Navajo Nation, as well as an obstacle
11 to sustainable economic and community development.

12 H. The Navajo Nation Division of Public Safety ("NDPS") presented the Síhasin Fund
13 Subcommittee with information in the form of a report dated October 28, 2016 and
14 titled "Navajo Division of Public Safety Funding Request," attached as **Exhibit A**,
15 that the Nation's public safety systems, i.e., Emergency 9-1-1, Broadcast
16 Emergency Response (AMBER) Alert and Public Safety Records Management, are
17 currently either non-operational or severely deficient and the potential
18 consequences of these inadequate and ineffective systems include, but are not
19 limited to: significantly delayed responses to emergencies which jeopardizes the
20 effectiveness of life-saving actions and the protection of property; inadequate or
21 non-existent criminal histories placing public safety officers and the public at risk;
22 and inaccurate criminal records allowing unauthorized possession of firearms by
23 certain individuals. Exhibit A, Executive Summary, p. ii and Section I, p. 1-1.

24 I. The NDPS presentation to the Síhasin Fund Subcommittee also included
25 information that the annual number of emergency 9-1-1 calls from across the
26 Navajo Nation ranges from 1.14 to 1.4 million annually and that due to the
27 antiquated emergency call system on the Navajo Nation, approximately 20%
28 (twenty percent) of annual emergency 9-1-1 calls are first routed to public safety
29 answering points in nearby counties prior to forwarding to the appropriate Navajo
30 Nation location and that the subsequent delays, coupled with the vast geographic

1 area of the Nation, create significant obstacles for fire and rescue, police, and
2 medical responders that can have serious consequences including jeopardizing life-
3 saving actions and impeding the protection of people and property within the
4 Navajo Nation. Exhibit A, Section 2, Subsection 2.1.1.

5 J. NDPS estimates a cost of one million three hundred fifty thousand dollars
6 (\$1,350,000.00) to upgrade the Nation's current Emergency 9-1-1 systems. Exhibit
7 A, Section 3, Subsection 3.1.

8 K. The NDPS presentation to the Síhasin Fund Subcommittee included additional
9 information that the Navajo Nation does not have a Broadcast Emergency Response
10 (AMBER) Alert System that coincides with what is used in the state of Arizona; nor
11 does the Navajo Nation currently have the infrastructure, e.g., technology, policies,
12 procedures, to support an Emergency Response Alert System that conforms with
13 guidance issued by the U.S. Department of Justice. Exhibit A, Section 2, Subsection
14 2.1.2.

15 L. NDPS estimates a cost of two hundred thirty-five thousand dollars (\$235,000.00) to
16 upgrade the Nation's Broadcast Emergency Response (AMBER) Alert System.
17 Exhibit A, Section 3, Subsection 3.1.

18 M. The NDPS presentation to the Síhasin Fund Subcommittee included further
19 information that the Navajo Nation's existing Public Safety Records Management
20 System ("RMS") is severely outdated and woefully inadequate by today's
21 standards; its infrastructure and associated processes, as well as its operating
22 technology, are fractured, incomplete and archaic and incapable of responding
23 promptly and adequately to inquiries and background checks resulting in
24 incomplete and inaccurate criminal and mental health information and records on
25 individuals that present a high risk to the Navajo Nation populace and their
26 property, as well as to public safety officers. Exhibit A, Section 2, Subsection 2.1.3.

27 N. NDPS estimates a cost of three million one hundred thousand dollars
28 (\$3,100,000.00) to upgrade the Public Safety Records Management System. Exhibit
29 A, Section 3, Subsection 3.1.
30

- 1 O. Navajo Nation Council Resolution No. CO-51-13, attached as **Exhibit B**,
2 recognized the critical need for 9-1-1 services to meet the basic health and safety
3 needs of the Navajo People and despite the historical regulatory role and function,
4 delegated that “a further purpose of the [Navajo Telecommunications Regulatory]
5 Commission shall be the implementation of a 9-1-1 emergency response system
6 within the Navajo Nation.” 2 N.N.C. § 3452.
- 7 P. NDPS has the delegated authority to “exercise control and authority over all law
8 enforcement and public safety activities within the Navajo Nation”, 2 N.N.C. §
9 1352 (A)(2), and pursuant to its Public Law 93-638 Contract’s Annual Funding
10 Agreement’s Scope of Work, NDPS “shall perform police law enforcement
11 activities as noted in the Indian Law Enforcement Reform Act, 25 U.S.C. §§ 2801,
12 *et seq.*, within Navajo Indian Country”. The Indian Law Enforcement Reform Act,
13 25 U.S.C. §§ 2802 (c) (10) requires the Contractor, i.e., NDPS, to include “the
14 development and provision of dispatch and emergency and E-911 services.”
- 15 Q. Notwithstanding CO-51-13, in August of 2014, the Navajo Nation President issued
16 Executive Order No. 12-2014, attached as **Exhibit C**, directing NDPS to plan,
17 design, develop, implement, operate and manage the first 9-1-1 Emergency Call
18 System and the Navajo Telecommunications Regulatory Commission to be the sole
19 regulatory 9-1-1 authority and ensure that all Navajo Nation Divisions,
20 Departments, Programs and telecommunications service providers are compliant
21 with the 9-1-1 program. CO-51-13, THEREFORE Clauses 1 and 2.
- 22 R. In 2015, NDPS was awarded a three-year grant from the Department of Homeland
23 Security in the amount of one million seven hundred thousand dollars
24 (\$1,700,000.00) to support the networking and equipment required to expand the
25 Nation’s initial 9-1-1 services. In addition to the Department of Homeland Security
26 grant, NDPS has used one hundred ninety-seven thousand dollars (\$197,000.00) of
27 department funds to purchase a portion of the 9-1-1 software and has and will
28 devote many man-hours, primarily funded through its Public Law 93-638 Contact,
29 at district and department levels to implement the 9-1-1 system and to provide 9-1-1
30 services.

- 1 S. In 2016 and 2017, NDPS has and will contribute direct in-kind matching by using
2 program funding to provide extensive man-hours of internal and consultant
3 technical support to implement the Broadcast Emergency Response (AMBER)
4 Alert System project; a majority of the man-hours were and will be contributed by
5 the Department of Emergency Management to access the project magnitude,
6 organize the project framework and to consolidate and coordinate support for the
7 Nation's initiative. In addition, NDPS has and will continue to devote many man-
8 hours, primarily funded through its Public Law 93-638 Contract, to successfully
9 implement a functional AMBER Alert system at district and department levels.
10 NDPS will also contribute significant program funding to ensure the availability of
11 professional first responder services to support the Nation's Broadcast Emergency
12 Response (AMBER) Alert System.
- 13 T. In 2016 and 2017, NDPS has and will contribute direct in-kind matching by using
14 program funding to provide many man-hours implementing the Public Safety
15 Records Management System including, but not limited to, establishing and
16 supporting the telecommunications infrastructure and networking; installation and
17 setup of the computer equipment across all NDPS departments; and configuration
18 and maintenance of the required complex software. In addition, NDPS will utilize
19 department funds to cover the expense of retaining technical consultants to assist in
20 the implementation, expansion and maintenance of the NDPS networking
21 infrastructure for this project. At district and department levels, NDPS will also be
22 devoting many man-hours, primarily funded through its Public Law 93-638
23 Contract, to implement the Public Safety Records Management System throughout
24 the entire Division.
- 25 U. The Navajo Nation determines that the "Navajo Division of Public Safety Funding
26 Request", attached as Exhibit A, if funded, will develop the Navajo Nation's public
27 safety infrastructure necessary to support economic and community development
28 and therefore, meets the 2014 Act requirement for the "planning and development
29 of regional infrastructure supporting economic and community development,
30 including housing, within the Navajo Nation." See 12 N.N.C. §2502 (A) (1).

1 V. The Navajo Nation has also determined that the \$1.7 million grant that NDPS
2 received from the Department of Homeland Security for the initial 9-1-1 services;
3 the program funds already spent to purchase 9-1-1 software; and the extensive man-
4 hours funded through the Public Law 93-638 Contract to provide highly skilled
5 technical consultation to ensure successful implementation on the Emergency
6 Response (AMBER) Alert System and the Public Safety Records Management
7 System satisfy the 2014 Act's requirement of "leveraging of the [Sihasin] Fund by
8 way of guaranteeing loans, match funding, direct funding in part and other weighted
9 uses of the Fund shall be favored over direct funding in whole." 12 N.N.C § 2502
10 (B).

11 W. The Navajo Nation additionally determined that NDPS was the appropriate entity to
12 house, implement, operate and manage the Emergency 9-1-1 System on the Navajo
13 Nation and that the Navajo Telecommunications Regulatory Commission was the
14 appropriate entity to regulate the Emergency 9-1-1 System within the Navajo
15 Nation and recommends to the Navajo Nation Standing Committees and Navajo
16 Nation Council waive any provisions of CO-51-13 and 2 N.N.C. §§3451, *et seq.*
17 and 21 N.N.C. § 501, *et seq.*, that would prevent NDPS from housing,
18 implementing, operating and managing the Nation's Emergency 9-1-1 System in
19 compliance with regulations promulgated by the Navajo Telecommunications
20 Regulatory Commission.

21 X. The Navajo Nation further determined that it was in the best long-term interest of
22 the Navajo Nation and the Navajo populace to provide financial support necessary
23 to establish and upgrade the Nation's Emergency 9-1-1 System, Broadcast
24 Emergency Response (AMBER) Alert System and Public Safety Records
25 Management System and recommends to the Navajo Nation Standing Committees
26 and the Navajo Nation Council that the "Navajo Division of Public Safety Funding
27 Request", Exhibit A, be funded through the Sihasin Fund in the total amount of four
28 million six hundred thirty-five thousand dollars (\$4,635,000.00) as the Sihasin Fund
29 Emergency Management Expenditure Plan under section 2505 of the 2014 Act.
30

1 Y. The Navajo Nation Council also hereby determines that establishing and upgrading
2 the Nation's Emergency 9-1-1 System, Broadcast Emergency Response (AMBER)
3 Alert System and Public Safety Records Management System fits within the
4 priorities established under the July 20, 2015 *One Nation, One Voice Navajo Nation*
5 *Three Branch Agreement* and that it is in the best interests of Navajo individuals,
6 families and communities, as well as in the best interests of economic and
7 community development within the Navajo Nation, that the "Navajo Division of
8 Public Safety Funding Request", Exhibit A, be funded through the Síhasin Fund in
9 the total amount of four million six hundred thirty-five thousand dollars
10 (\$4,635,000.00) as the Síhasin Fund Emergency Management Expenditure Plan.

11
12 **Section Three. Waiving CO-51-13, 2 N.N.C. §§ 3451 et seq. and 21 N.N.C. § 501 et**
13 **seq.**

14 The Navajo Nation determines that it is in the best long-term interests of the Navajo
15 Nation and the Navajo populace, as well as the implementation of the Síhasin Fund
16 Emergency Management Expenditure Plan, to waive and does hereby waive the
17 provisions of CO-51-13 and 2 N.N.C. §§3451, et seq. and 21 N.N.C. §§ 501, et seq.,
18 that are inconsistent with or would prevent NDPS from implementing, operating and
19 managing the Nation's Emergency 9-1-1 System in compliance with regulations
20 promulgated by the Navajo Telecommunications Regulatory Commission.

21
22 **Section Four. Approval and Adoption of Expenditure Plan**

23 A. The Navajo Nation hereby approves and adopts the Síhasin Fund Emergency
24 Management Expenditure Plan to fund the "Navajo Division of Public Safety
25 Funding Request", Exhibit A.

26 B. The Navajo Nation hereby approves and adopts funding to the Navajo Division of
27 Public Safety from the Síhasin Fund in the total amount of four million six hundred
28 thirty-five thousand dollars (\$4,635,000.00) as follows: one million three hundred
29 fifty thousand dollars (\$1,350,000.00) for the Emergency 9-1-1 System; two
30 hundred thirty-five thousand dollars (\$235,000.00) for the Broadcast Emergency

1 Response (AMBER) Alert System; and three million one hundred thousand dollars
2 (\$3,100,000.00) for the Public Safety Records Management System..

- 3 C. The Síhasin Funds allocated for the Síhasin Fund Emergency Management
4 Expenditure Plan may be further leveraged by bond or loan financing pursuant to
5 the Navajo Nation Bond Financing Act, 12 N.N.C. § 1300 et seq., as amended,
6 using Síhasin Fund Earnings for repayment and financing costs upon the
7 recommendation of the Budget & Finance Committee and approval by a two-thirds
8 (2/3) vote of all members of the Navajo Nation Council.

9
10 **Section Five. Approval and Adoption of Expenditure Plan Administration**

- 11 A. The Navajo Nation hereby approves administration of the Síhasin Fund Emergency
12 Management Expenditure Plan as follows:

- 13 1. The Navajo Division of Public Safety shall implement, operate and manage the
14 Emergency 9-1-1 System, Broadcast Emergency Response (AMBER) Alert
15 System and Public Safety Records Management System funded through the
16 Síhasin Fund Emergency Management Expenditure Plan, as well as administer
17 such funding, and any provisions of Navajo Nation Counsel Resolution No.
18 CO-51-13, 2 N.N.C. §§3452, et seq. and/or 21 N.N.C. § 505, et seq., that are
19 inconsistent with or would prevent the Navajo Division of Public Safety from
20 implementing, operating and managing the Nation's Emergency 9-1-1 System in
21 compliance with regulations promulgated by the Navajo Telecommunications
22 Regulatory Commission are hereby waived.
- 23 2. The Navajo Nation Controller shall determine whether the source of the four
24 million six hundred thirty-five thousand dollars (\$4,635,000.00) will be Síhasin
25 Fund Principal or Income or a combination of both;
- 26 3. The Navajo Nation Controller shall release the funds to the Navajo Division of
27 Public Safety consistent with the budget forms included in the "Navajo Division
28 of Public Safety Funding Request", Exhibit A, pursuant to a schedule agreed to
29 by the Office of the Controller and the Navajo Division on Public Safety;
30

1 4. The funds allocated to the Navajo Division of Public Safety shall be used solely
2 for the purposes set forth in the "Navajo Division of Public Safety Funding
3 Request", Exhibit A, and the Navajo Division of Public Safety shall return any
4 and all cost-savings to the Síhasin Fund once the Nation's Emergency 9-1-1
5 System, Broadcast Emergency Response (AMBER) Alert System and Public
6 Safety Records Management System are upgraded and operational;

7 5. The funds allocated for the Síhasin Fund Emergency Management Expenditure
8 Plan shall not lapse on an annual basis pursuant to 12 N.N.C. §820 (N) or
9 otherwise be returned to or deposited in the Síhasin Fund principal or Navajo
10 Nation General Fund until such time as the Navajo Nation's Emergency 9-1-1
11 System, Broadcast Emergency Response (AMBER) Alert System and Public
12 Safety Records Management System are upgraded and operational, as set forth
13 in Exhibit A.

14 B. The Executive Director of the Navajo Division of Public Safety shall account for
15 and be held accountable for the expenditure of Síhasin Fund funds and shall ensure
16 that the use of the Síhasin Fund funds are audited on an annual basis by either an
17 independent auditor or the Office of Auditor General with such audit report
18 submitted to the Naabik'íyáti' Committee, Office of the Controller, and Office of
19 the President and Vice-President.

20 C. The Navajo Division of Public Safety shall report the status of the implementation
21 of the Síhasin Fund Emergency Management Expenditure Plan and the upgrading
22 of the Nation's Emergency 9-1-1 System, Broadcast Emergency Response
23 (AMBER) Alert System and Public Safety Records Management System to the
24 Law and Order Committee, Naabik'íyáti' Committee and Office of the President
25 and Vice-President on a quarterly basis.

26
27 **Section Six. Effective Date**

28 The Síhasin Fund Emergency Management Expenditure Plan, as set forth above, shall
29 become effective pursuant to 12 N.N.C. § 2505.
30

1 **Section Seven. Directives**

2 A. All Navajo Nation programs, specifically including, but not limited to, the Navajo
3 Division of Public Safety, Office of Controller and Office of Management &
4 Budget, shall take all steps necessary to expeditiously implement the Síhasin Fund
5 Emergency Management Expenditure Plan consistent with the provisions set forth
6 above.

7 B. Navajo Nation programs named in this legislation shall be held accountable for the
8 progress of tasks under their responsibility and control and shall report on a semi-
9 annual basis to the Naabik'íyáti' Committee on the progress of their respective
10 tasks.

FY 2017

**THE NAVAJO NATION
PROGRAM BUDGET SUMMARY**

Page 1 of 3
BUDGET FORM 1

PART I. Business Unit No.: <u>116001</u>		Program Title: <u>NG 9-1-1 and RMS/CAD System</u>		Division/Branch: <u>Public Safety</u>	
Prepared By: <u>Michele Tom</u>		Phone No.: <u>928-871-7584</u>		Email Address: <u>mmtom@navajo-nsn.gov</u>	

PART II. FUNDING SOURCE(S)	Fiscal Year Term	Amount	% of Total	PART III. BUDGET SUMMARY	(A)	(B)	(C)	
					Fund Type Code	NNC Approved Original Budget	Proposed Budget	Difference (Column B - A)
Si Hasiin	10/01/16 - 09/30/17	4,400,000.00	100%					
				2001 Personnel Expenses	1			0
				3000 Travel Expenses				0
				3500 Meeting Expenses				0
				4000 Supplies	1		3,600,000	3,600,000
				5000 Lease and Rental				0
				5500 Communications and Utilities				0
				6000 Repairs and Maintenance	1		250,000	250,000
				6500 Contractual Services	1			0
				7000 Special Transactions				0
				8000 Public Assistance				0
				9000 Capital Outlay	1		550,000	550,000
				9500 Matching Funds				0
				9500 Indirect Cost				0
				TOTAL		\$0.00	4,400,000.00	4,400,000

PART IV. POSITIONS AND VEHICLES	(D)	(E)
Total # of Positions Budgeted:	0	0
Total # of Permanently Assigned Vehicles:	0	0

TOTAL:	\$4,400,000.00	100%
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PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.


Phillip Francisco, Chief of Police


Jesse Delmar, Division Director

SUBMITTED BY: Program Manager's Printed Name and Signature / Date
3/13/17

APPROVED BY: Division Director/Branch Chief's Printed Name and Signature / Date
031417

FY 2017

**THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA**

Page 2 of 3
BUDGET FORM 2**PART I. PROGRAM INFORMATION:**Business Unit No.: 116001Program Name/Title: NG 9-1-1 and RMS/CAD System**PART II. PLAN OF OPERATION REFERENCE/LEGISLATED PROGRAM PURPOSE:**

(GSCJA_04-08) The purpose of the Navajo Police Department is to enforce all Navajo Nation laws within the territorial Jurisdiction of the Navajo Nation, as defined by Title N.N.C. §254 & 18 U.S.C. §1151, to provide effective and efficient law enforcement services on a twenty-four (24) hour basis to protect life and property, and to screen all police personnel to determine their level of enforcement skills and knowledge and provide them with the necessary law enforcement education to achieve full potential as Navajo Nation law enforcement officers. The application of these objectives' are subject to availability of funds.

PART III. PROGRAM PERFORMANCE CRITERIA:

1. Program Performance Area:

Replace current RMS Cody

Goal Statement:

Purchase RMS/CAD for division

1st QTR		2nd QTR		3rd QTR		4th QTR	
Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual

1		1		1		1	
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2. Program Performance Area:

Replace current computer hardware

Goal Statement:

Purchase computer hardware for districts

1		1		1		1	
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3. Program Performance Area:

Establish NG 9-1-1 at seven districts

Goal Statement:

Implement NG 9-1-1 at seven districts

1		2		2		2	
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4. Program Performance Area:

Replace current dispatcher hardware

Goal Statement:

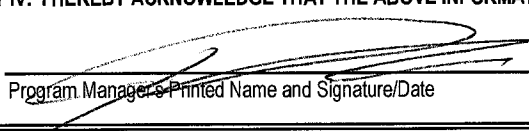
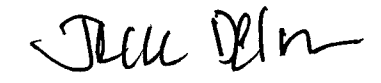
Purchase hardware for dispatchers

1		2		2		2	
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5. Program Performance Area:

Goal Statement:

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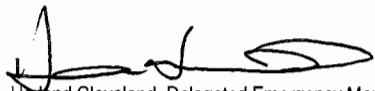
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.

 Program Manager's Printed Name and Signature/Date
3/13/17
 031417
 Division Director/Branch Chief's Printed Name and Signature / Date

FY 2017

**THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION**

Page 3 of 3
BUDGET FORM 4

PART I. PROGRAM INFORMATION:				
Program Name/Title: <u>NG 9-1-1 and RMS/CAD System</u>		Business Unit No.: <u>116001</u>		
PART II. DETAILED BUDGET:				
(A)	(B)	(C)	(D)	
Object Code (LOD 6)	Object Code Description and Justification	Total by DETAILED Object Code	Total by MAJOR Object Code	
	4000 SUPPLIES		3,600,000	
	Desktop supplies, folders, envelopes, pens, pencils. Power Point projector, laptops and partitions. Computer/Xerox toner cartridges. Printing of manuals, brochures, binding, photocopying and publication subscription. Purchase vehicle parts (tires, tubes, etc.)			
4200	Non Capital Assets	900,000		
	4220 Non- Cap Analytical Equipment (RMS/CAD and NG 911) \$450,000.00			
	4230 Non-Cap Computer Equipment (RMS/CAD and NG 911) \$450,000.00			
4410	Operating Supplies	2,700,000		
	4440 Non-Cap Computer Software (RMS/CAD and NG 911) \$2,700,000.00			
	6000 REPAIRS AND MAINTENANCE		250,000	
	Annual repair and maintenance fees for furniture, equipment, and computer upgrade hardware			
6300	Technology	250,000		
	6310 Computer Hardware R&M \$50,000.00			
	6320 Software Support for RMS/CAD and 9-1-1 call system (Maintenance Cos \$200,000.00			
	9000 CAPITAL OUTLAY		550,000	
	For equipment above the \$5,000.00 threshold			
9140	Equipment	550,000		
	9142 Equipment \$200,000.00			
	9144 Analytical equipment \$150,000.00			
	9146 Computers \$200,000.00			
TOTAL		4,400,000	4,400,000	

PART I. Business Unit No.: 116019 Program Title: Navajo Department of Emergency Management Division/Branch: Public Safety									
Prepared By: Harland Cleveland Phone No.: (928) 871-6892 Email Address: hcleveland@navajo-nsn.gov									
PART II. FUNDING SOURCE(S)	Fiscal Year Term	Amount	% of Total	PART III. BUDGET SUMMARY			(A)	(B)	(C)
General Funds	10/01/16 - 09/30/17	325,000.00	58%				Fund Type Code	NNC Approved Original Budget	Difference (Column B - A)
Supplemental "AMBER Alert"	10/01/16-09/30/17	235,000.00	42%					Proposed Budget	
				2001 Personnel Expenses	1	280,476	0	(280,476)	
				3000 Travel Expenses	1	31,934	36,384	4,450	
				3500 Meeting Expenses				0	
				4000 Supplies	1	6,845	198,616	191,771	
				5000 Lease and Rental				0	
				5500 Communications and Utilities	1	3,400	0	(3,400)	
				6000 Repairs and Maintenance				0	
				6500 Contractual Services				0	
				7000 Special Transactions	1	2,345	0	(2,345)	
				8000 Public Assistance				0	
				9000 Capital Outlay				0	
				9500 Matching Funds				0	
				9500 Indirect Cost				0	
				TOTAL			\$325,000.00	235,000.00	(90,000)
				PART IV. POSITIONS AND VEHICLES		(D)	(E)		
				Total # of Positions Budgeted:		5	0		
				Total # of Permanently Assigned Vehicles:		2	0		
TOTAL:		\$560,000.00	100%						
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.									
 Harland Cleveland, Delegated Emergency Management Director				 Jesse Delmar, Executive Director					
SUBMITTED BY: Program Manager's Printed Name and Signature / Date				APPROVED BY: Division Director/Branch Chief's Printed Name and Signature / Date					

FY 2017

**THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA**

**Page 02 of 03
BUDGET FORM 2**

PART I. PROGRAM INFORMATION:Business Unit No.: 116019Program Name/Title: Navajo Department of Emergency Management**PART II. PLAN OF OPERATION REFERENCE/LEGISLATED PROGRAM PURPOSE:**

GSCAU-61-15 The purpose of the Navajo Department of Emergency Management is to provide effective emergency management services on a twenty-four (24) hour basis within the territorial of the N.N., as defined by Title N.N.C. 254 & 18 U.S.C. 1151 coordinating with other NN entities, local communities, county, state, etc.

PART III. PROGRAM PERFORMANCE CRITERIA:

1. Program Performance Area:

Promote Amber Alert Program/Community Outreach

Goal Statement:

Conduct 1 Amber Alert awareness / orientation per quarter

1st QTR		2nd QTR		3rd QTR		4th QTR	
Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual

1		1		1		1	
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2. Program Performance Area:

Request for Proposals Mass Notifications System

Goal Statement:

Review proposals submitted for Mass Notifications Systems

0		1		1		0	
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3. Program Performance Area:

Amber Alert Training

Goal Statement:

Conduct 2 Amber Alert Trainings at the Police Districts per quarter

0		2		2		2	
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4. Program Performance Area:

Goal Statement:

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5. Program Performance Area:

Goal Statement:

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PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.Harland Cleveland, Delegated Emergency Management Director

Program Manager's Printed Name and Signature/Date

Jesse Delman, Executive Director

Division Director/Branch Chief's Printed Name and Signature / Date

Jesse Delman 03/14/17

FY 2017

**THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION**

Page 03 of 03
BUDGET FORM 4

PART I. PROGRAM INFORMATION: Program Name/Title: <u>Navajo Department of Emergency Management</u> Business Unit No.: <u>116019</u>					
PART II. DETAILED BUDGET:					
(A)	(B)	(C)	(D)		
Object Code (LOD 6)	Object Code Description and Justification	Total by DETAILED Object Code	Total by MAJOR Object Code		
	3000 TRAVEL EXPENSES Monthly mileage rental. Meals, lodging directly related to Amber Alert program business and other miscellaneous travel expenses.				36,384
3110	Fleet .3113 Mileage: (Group B, Class IV Truck) 1,000 mi. x 2 Veh. = 3,000 x .28 = \$840.00 x 12 mos = \$10,080.00	5% NN Tax \$504.00	Total \$10,584.00	10,584	
3230	Travel Expenses (CONUS Rates are available Jan 1st) .3240 \$ 54/Daily Per Diem x 5 day/week x 15 weeks for 3 staff .3250 \$ 89/Night Per Diem x 1 night/week x 10 weeks for 3 staff .3290 Other Travel Expense		\$12,150.00 \$13,350.00 \$300.00 \$25,800.00	25,800	
	4000 SUPPLIES Stationary, envelopes, binders, folders, labels, pens & pencils, staple/staples. Non-Capital asset items that have a value less than \$5,000 and other supplies that are necessary for the Amber Alert program and to Purchase the Mass Notification Software.				198,616
4120	Office Supplies .4130 General Office Supplies		\$10,250.00	10,250	
4200	Non Capital Assets .4210 Non Cap Furniture & Equip .4230 Non Cap Equip		\$5,250.00 \$12,172.00 \$17,422.00	17,422	
4410	Operating Supplies .4420 General Operating Supplies .4440 Non Cap Computer Software .4530 Printing/Binding/Photocopying		\$20,944.00 \$135,000.00 \$15,000.00 \$170,944.00	170,944	
TOTAL				235,000	235,000

NAVAJO DIVISION OF PUBLIC SAFETY FUNDING REQUEST



March 14, 2017

Executive Summary

Public safety systems critical to protecting the Navajo Nation people are either seriously outdated, completely inadequate, or non-existent. This document contains an urgent request for funds to initiate the establishment of a Navajo Nation emergency 9-1-1 system, an AMBER Alert system, and a records management system (RMS). These systems are necessary to support principal functions of the Navajo Division of Public Safety.

The consequences of ineffective emergency 9-1-1, AMBER Alert, and records management systems are alarming:

- Significantly delayed responses to emergencies jeopardizing the effectiveness of life-saving actions and the protection of property
- Significantly delayed responses to child abductions jeopardizing successful outcomes
- Inadequate or non-existent criminal histories placing police officers at risk
- Inaccurate records allowing unauthorized possession of firearms by certain individuals

Approximately \$4.6 million is needed to adequately complete these three systems. There are several candidate funding sources with the capacity to potentially support implementation of these three critical public safety systems.

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Section 1

Introduction

1.1 OVERVIEW AND BACKGROUND

This document contains an urgent request for funds to support establishing three critical public safety systems on the Navajo Nation. Included in this document is the justification of urgent need for funding to initiate the establishment of an emergency 9-1-1 system, an AMBER (i.e., America's Missing: Broadcast Emergency Response) Alert system, and implementation of a modern records management system (RMS). These systems are critical to support principal functions of the Navajo Division of Public Safety (NDPS).

Public safety systems—emergency 9-1-1, AMBER Alert, and records management—are currently either non-operational or severely deficient within the Navajo Nation's Department of Public Safety, placing people and property at risk. The existing systems are aging, technologically inadequate, and require major recapitalization. Funds are immediately needed to protect the safety of the Navajo Nation people by providing safety systems to enhance the NDPS effectiveness.

1.2 PURPOSE, OBJECTIVE, SCOPE, AND LIMITS

The purpose of this document is to ensure that Navajo Nation decision-makers fully understand the urgency for releasing funds to establish upgraded emergency 9-1-1, AMBER Alert, and records management systems within the NDPS. The objective of this document is to provide a detailed budget and overcome barriers to obtaining the vital funds needed to ensure that these three systems are completed expediently. This request focuses on providing the rationale and identifying the funding needed to establish each system. It is limited to providing best estimates to complete these systems.

1.3 REPORT ORGANIZATION

The remainder of this report is organized as follows:

- Section 2 describes the need for these three systems in terms of their importance in protecting the safety on the Navajo Nation.
- Section 3 summarizes the estimated total cost for the three NDPS systems and identifies candidate funding sources.

Section 2

Justification of Urgent Need for Funding Public Safety Projects

2.1 PUBLIC SAFETY ENVIRONMENT

2.1.1 Emergency 9-1-1 System

The annual number of emergency 9-1-1 calls across the Navajo Nation is overwhelming. In recent years it has ranged from 1.14 to 1.4 million annually. As summarized in Figure 2-1, most emergency calls are transmitted by wireless telephone, although other methods are used to a much lesser extent, such as land line and voice over internet protocol (VOIP).

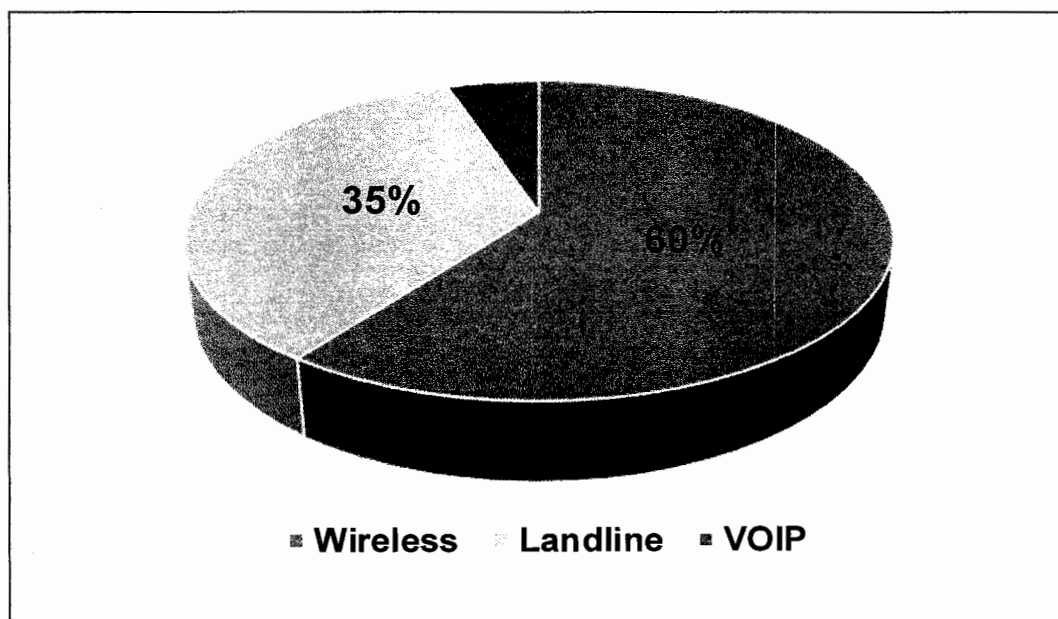


Figure 2-1. Average Annual Emergency 9-1-1 Calls on the Navajo Nation

Due to the antiquated emergency call system on the Navajo Nation, approximately 20 percent of annual emergency 9-1-1 calls are routed first to public safety answering (or access) points (PSAPs) in nearby counties prior to forwarding to the appropriate Navajo Nation location. The resulting delays, coupled with the vast geographic area of the Nation, create significant delays for fire and rescue, police, and medical first responders. The result of these delays can be very serious, including jeopardizing life-saving actions and the general protection of Navajo Nation people and property.

For example, emergency calls for service to the Navajo Police Department (NPD) have been staggering over the past three years, as shown in Figure 2-2. Although national statistics are not collected for comparison, it is evident that NPD response to calls represent an incredible and overwhelming workload. Emergency calls for Navajo Nation law enforcement service face challenges that are significant and generally not found in any other area in the United States. These challenges include NPD covering vast geographic distances that are characterized by hundreds of miles of unimproved (i.e., gravel and dirt) roads and residences and facilities that are often unmarked with addresses and located in rural or relatively desolate areas. Therefore, timely and informed dispatching of NPD officers is critical given the severe hindrances faced by first responders.

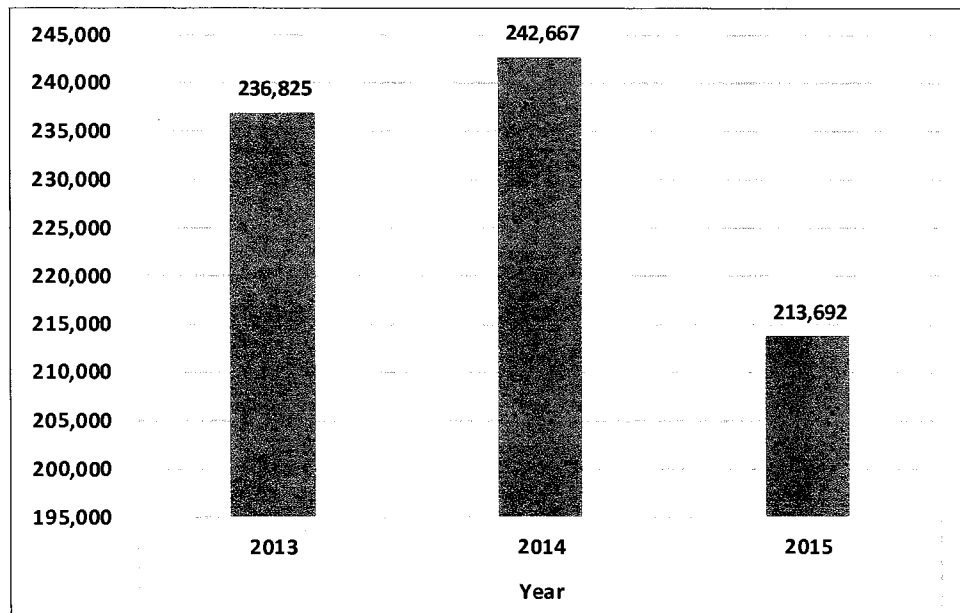


Figure 2-1. Emergency Calls for Service to the Navajo Police Department

The objectives of the Navajo Nation emergency 9-1-1 system upgrade project, which includes a new communication network, are twofold:

- Reduce the number of delayed emergency calls initially routed to county PSAPs that must be forwarded to the appropriate Navajo Nation location
- Leverage geographic information system (GIS) data to provide accurate location information for emergency 9-1-1 wireless callers

The emergency 9-1-1 system will work in concert with a computer-aided dispatch (CAD) and RMS, enabling the NPD to combat and prevent increasing violent crime and overall high crime rates. This critical need supplements and complements Navajo Nation law enforcement programs in several important areas, including technology integration, data linking and identity management, and mobile operation. Coupling a technologically advanced emergency 9-1-1 system with equally innovative RMS and CAD technologies will address a twofold problem: (1) achieving prompt and accurate dispatch of first responders to emergency 9-1-1

calls for service and (2) maintaining records commensurate with efforts to prevent or combat crime.

2.1.2 America's Missing: Broadcast Emergency Response (AMBER) Alert System

On May 2, 2016 two young Navajo children—brother and sister—were abducted. The brother escaped; the following day the sister was found dead. On June 4, 2016 another Navajo brother and sister were abducted; fortunately, they were found safe the following day. These events, one tragic and the other miraculous, demonstrate the immediate need for implementation of a modern Navajo Nation AMBER or a Child Abduction Emergency (CAE) Alert system. The Navajo Nation AMBER Alert system must be upgraded to conform to that used in the state of Arizona, which is consistent with federal guidelines. Infrastructure, policies, and procedures within the Navajo Nation do not meet minimum criteria for child protection.

Recent statistics regarding AMBER alerts while horrific, are also reassuring. Since the inception of the CAE program in 1996, through December 31, 2014, 756 children have been safely recovered specifically as a result of an AMBER Alert being issued.¹ In 2014, 239 children were involved in 186 AMBER Alert cases.² Sixty-seven percent of these children were the victims of family abductions, 28 percent by non-family abductions, and 5 percent either lost, injured, or otherwise missing.³

Throughout the United States, AMBER Alerts are commonly distributed using commercial and satellite radio, and cable television. Alerts are also issued using e-mail, electronic traffic-condition signs, commercial electronic billboards, and wireless device text messages. AMBER Alerts are initiated at the discretion of local police organizations using the Emergency Alert System, which must be implemented on the Navajo Nation. Criteria are established by each state, and the Navajo Nation, for issuing AMBER Alerts to avoid false alarms. To ensure consistency, the U.S. Department of Justice (DOJ) issues guidance that is generally followed by most states and will be incorporated within the system implemented on the Navajo Nation. This guidance is summarized in Table 2-1.

¹ *National Center for Missing & Exploited Children, 2014 AMBER Alert Report, Analysis of AMBER Alert cases in 2014*, p.5.

² *Ibid.*, p. 10.

³ *Ibid.*, p. 10.

Table 2-1. Federal Guidelines for Issuing AMBER Alerts

Number	Criteria
1	Law enforcement must confirm that an abduction has taken place.
2	The child must be at risk of serious injury or death.
3	There must be sufficient descriptive information of child, captor, or captor's vehicle to issue an alert.
4	The child must be under 18 years of age.

Reportedly, parental abductions have often resulted in AMBER Alerts where a child is not at risk of serious injury or death. Accordingly, many law enforcement organizations do not use criteria number 2.

2.1.3 Records Management System

The existing Navajo Public Safety RMS, which is operated and maintained by the NDPS, is dinosaurian by today's standards. The current RMS, its infrastructure, and associated processes are fractured, incomplete, and outdated. Its operating technology is decades old, contributing to incomplete and inaccurate records on individuals that present high risk to the Navajo Nation people, the inhabitants of its neighboring states, and elsewhere. Additionally, the antiquated RMS is incapable of prompt response to inquiries and background checks. Hence, public safety records collection, maintenance, analysis, management, retrieval, storage, and sharing within the Navajo Nation is severely inadequate. Further, improving the NDPS RMS will also reduce delays for law-abiding persons to purchase firearms. Accordingly, the RMS cannot satisfy the needs of NDPS, and therefore it is generally not being used by public safety personnel. Further, the current Navajo RMS system does not provide complete records and does not have automated functions. Consequently, the ability to transmit records used by the National Instant Criminal Background Check System (NICS) to state and federal systems is inadequate. A very high priority near term strategic goal for NDPS is to accurately capture and provide all criminal data and mental health information, for NICS use within a highly compatible format consistent with Next Generation Identification (NGI), and other applicable statewide or regional criminal justice information sharing standards, including state anti-terrorism plans.

The NDPS seeks critically needed funding to support implementing innovative technologies to establish a RMS for collecting, maintaining, and sharing complete and accurate records to prevent or combat crime. This includes implementing a state-of-the-art commercial RMS that obviates serious gaps in information storage, access, backup, and protection. This also includes mental health adjudications and commitments, and other factors that would disallow persons prohibited by federal or state law from receiving or possessing firearms. The NDPS RMS upgrade effort is vital to law enforcement, AMBER Alert capability, emergency medical services, and emergency management. The upgraded RMS will be inte-

grated with a CAD system providing emergency 9-1-1 call capability for the first time on the Navajo Nation.

Collectively, the CAD/RMS will provide rapid and accurate dispatch of NPD law enforcement personnel and an automated incident and officer management system that includes police communications capable of integrating with criminal records to combat the horrific overall level and increases in crime on the Navajo Nation. Establishing a CAD/RMS to support mobile field operations will enable police officers to perform accurate (i.e., real-time) criminal checks. For example, this would allow officers them to know whether a suspect has repeated a crime in other Navajo districts, to leverage other surrounding state and federal government criminal databases. For instance, a basic traffic stop of someone traveling through the Navajo Nation could result in an arrest for a crime committed outside Navajo Nation boundaries.

The combination of these two systems—RMS and CAD—will enable the NDPS to directly combat and prevent increasing violent crime and overall high crime rates by supplementing and complementing Navajo Nation law enforcement programs in several important areas. This includes identity/background management, technology integration, and data linking to provide all criminal data and mental health information consistent with NICS program priorities and requirements.

Section 3

Estimated Funding Requirement

3.1 ESTIMATED COST AND CANDIDATE FUNDING SOURCES FOR SAFETY SYSTEMS

The need to fund immediately the three public safety system projects is clear, compelling, and cannot be avoided—*prevent significantly delayed response to the staggering number of emergency calls and the need for prompt access to accurate records to protect the safety and property of the Navajo Nation people.* The estimated total cost to complete the three NDPS facilities is approximately \$4.6 Million, as summarized in Table 3-1.

Table 3-1. Estimated Cost to Implement Safety Systems

Emergency 9-1-1 System		\$ 1,350,000
Software	\$ 700,000	
Hardware	\$ 600,000	
Maintenance	\$ 50,000	
AMBER Alert System		\$ 235,000
Software	\$ 135,000	
Travel	\$ 36,384	
Supplies	\$ 63,616	
Records Management System		\$ 3,050,000
Software	\$ 2,000,000	
Hardware	\$ 850,000	
Maintenance	\$ 200,000	
Total		\$ 4,635,000



**RESOLUTION OF THE
NAVAJO NATION COUNCIL**

22nd NAVAJO NATION COUNCIL - Third Year, 2013

AN ACT

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER AND NAABIK'ÍYÁTI'; AMENDING TITLES 2 AND 21 TO AUTHORIZE THE NAVAJO NATION TELECOMMUNICATIONS REGULATORY COMMISSION TO IMPLEMENT AND MANAGE A 911 EMERGENCY RESPONSE SYSTEM WITHIN THE NAVAJO NATION

BE IT ENACTED:

Section 1. Findings and Purposes

A. The Navajo Nation Telecommunications Regulatory Commission was established for the purpose of acting upon and regulating "any and all matters of the telecommunications industry on the Navajo Nation, including but not limited to computer, video, television, telegraph, radio, cable television, satellite dishes, two-way radio, and other related telecommunication services transmitted by electricity, wire land lines, wireless technology, cable, fiber optics, microwave, satellite or radiowave, to provide for the orderly growth and development of the telecommunications industry, and the operations thereby." 2 N.N.C. §3452.

B. The purposes of the Navajo Nation Telecommunications Regulatory Act include making "available within the Navajo Nation efficient, reasonably priced and rapid communications, to promote and expand communications within the Navajo Nation, and ensure that communication activity within the Navajo Nation is consistent with the traditions, customs and desires of the Navajo People." 21 N.N.C. §502(A).

C. The Navajo Nation lacks a basic 911 emergency response system. Currently, emergency calls are received on administrative telephone lines. This makes crucial and immediate information unavailable, such as the identity of callers and their addresses. There is a critical

need for 911 services to meet the basic health and safety needs of the Navajo People. The lack of 911 services hinders, and at times prevents, first responders, such as police, fire and ambulance to quickly locate where calls for emergencies are coming from. With a 911 system, dispatches would be able to more effectively relay necessary emergency information to first responders.

Section 2. Amending Title 2

The Navajo Nation hereby approves Title 2 of the Navajo Nation Code as follows:

Title 2. Navajo Nation Government
Chapter 5. Executive Branch
Subchapter 43. Navajo Telecommunications Regulatory Commission

§3452. Purpose

The purpose of the Commission shall be to act upon and regulate any and all matters of the telecommunications industry on the Navajo Nation, including but not limited to computer, video, television, telegraph, radio, cable television, satellite dishes, two-way radio, and other related telecommunication services transmitted by electricity, wire land lines, wireless technology, cable, fiber optics, microwave, satellite or radiowave, to provide for the orderly growth and development of the telecommunications industry, and the operations thereby. A further purpose of the Commission shall be the implementation of a 911 emergency response system within the Navajo Nation.

§ 3453. Powers, Authorities and Duties

A. The Commission shall have all the powers necessary and appropriate as delegated through legislative enactments by the Government Services Committee of the Navajo Nation Council pursuant to the inherent power of a government to impose restrictions on private rights to protect public welfare, order and security, to carry out the purpose and goals set forth in § 3452. This delegation of authority shall be inclusive of the entire regulatory scheme, but exclusive of any telecommunications services or development activity, except where telecommunications regulation may apply to such activities.

B. The enumerated powers of the Commission are:

1. To establish and adopt a regulatory policy subject to Navajo Nation Council enactment which will govern any and all Navajo Nation telecommunications activities, not inconsistent with federal Communications Commission regulation.
2. To establish, promulgate, and enforce rules, regulations, policies, and issue orders and resolutions, which are consistent with the Navajo regulatory code and this Plan of Operation, as necessary for the accomplishment of its purpose, authority, functions, and responsibilities.
3. To establish methods, procedures, schedules, and conditions of accessing permits, respective fees, and reasonable rates of compensation for particular telecommunication services on the Navajo Nation.
4. To approve and enter into such agreements, contracts, or written understanding as necessary or appropriate in accomplishing the duties and purpose of the Commission. All such contracts and agreements shall be in the name of the Navajo Nation and shall be subject to normal procedures established for contracts and agreements.
5. To establish procedures and requirements for hearings and investigations pertinent to the functions and powers of the Commission, consistent with normal due process; to hear complaints concerning noncompliance with regulations established as the conditions of engaging in any telecommunications activities on the Navajo Nation, or any valid complaint from any entity which is aggrieved by any action by the Commission or staff.
6. The Commission in furtherance of its powers shall have the authority to recommend and impose fines or other sanctions according to established schedules, on any entity for violation of all telecommunications laws, regulations, rules, orders and policies.
7. The Commission shall implement an effective 911 emergency response system within the Navajo Nation. In implementing such a system, the Commission shall seek the assistance of the federal and state governments and shall be authorized to develop Service Plans meeting the requirements of such jurisdictions if necessary. Cooperative intergovernmental agreements in

furtherance of implementing a 911 system shall be approved pursuant to Navajo Nation law, including 21 N.N.C. §508.

8. In executing the power of implementing and managing an effective 911 emergency response system, the Commission shall be authorized to adopt rules and regulations.

9. In managing a 911 emergency response system, the Commission shall be authorized to recommend to appropriate entities of the Navajo Nation the establishment of a fund management plan and/or revolving fund accounts (funded through sources such as surcharges established by the Commission on telephone bills). Consistent with Navajo Nation law, the Commission shall also be authorized to seek federal and state funding in managing the Navajo Nation's 911 emergency response system.

Section 3. Amending Title 21 of the Navajo Nation Code

The Navajo Nation hereby amends Title 21 of the Navajo Nation Code as follows:

**Title 21. Public Utilities and Communications
Chapter 5. Telecommunications
Subchapter 1. Navajo Telecommunications Regulatory Act**

§ 505. Powers and Duties

A. In accordance with the Commission's plan of operation, the Commission shall have the power to perform any and all acts necessary and convenient to supervise, monitor, and regulate telecommunication and those persons providing telecommunications service within the Navajo Nation as specifically designated in this Chapter or in any rule, regulation, decision, order or other official pronouncement adopted hereunder, in the exercise of such power and jurisdiction.

B. The Commission shall have the following specific powers:

1. To promulgate such rules and regulations as appropriate for the accomplishment of its purpose and authority, duties and responsibilities pursuant to this Act, and to enforce such rules and regulations;

2. To act upon and regulate any and all telecommunications activity within the Navajo Nation, including but not limited to telephone, television, telegraph, radio, cable television, satellite dishes, two-way radio, and other telecommunication services employing wire, radiowave, lightwave, electricity or any other electromagnetic system;
3. To establish methods, procedures, conditions and fees for obtaining permits and approved tariff schedules for telecommunications services within the Navajo Nation;
4. To establish procedures and requirements for hearings and investigations pertinent to the functions and powers of the Commission; to receive, consider and hear complaints concerning the noncompliance by any person, of any provision of this Act and/or the Commission's rules and regulations, decisions, orders or other official pronouncements, to issue and compel by power of subpoena the presence of any person or the production of any document or any type of evidence deemed relevant to a matter properly before the Commission; to issue decisions and orders, opinions or other official pronouncements, on any matter properly raised before the Commission, and as may be necessary in the enforcement and implementation of its functions;
5. To establish and impose fines and/or any other civil sanction(s) deemed appropriate by the Commission, for violations of any provision of this Act and/or its rules and regulations, decisions, orders or other official pronouncements; and
6. To establish and collect franchise, filing and other fees from persons at amounts which are appropriate for the matter for which such collections is being made.
7. Consistent with powers and authority granted herein and by 2 N.N.C. §3453, to establish, implement and manage an effective 911 emergency response system within the Navajo Nation.

Section 4. Effective Date

The amendments enacted herein shall be effective pursuant to 2 N.N.C. §221.

Section 5. Codification

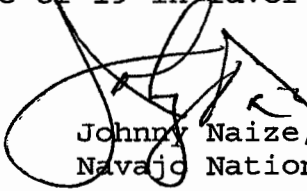
The provisions of these amendments of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amendments in the next codification of the Navajo Nation Code.

Section 6. Savings Clause

Should any provisions of these amendments be determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo Nation without appeal to the Navajo Nation Supreme Court, those amendments that are not determined invalid shall remain the law of the Nation.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the 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 19 in favor and 0 opposed, this 22nd day of October 2013.



Johnny Naize, Speaker
Navajo Nation Council

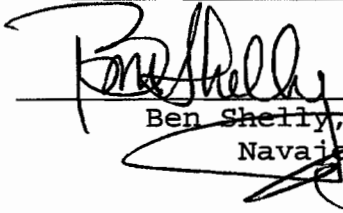
11-01-13

Date

Motion: Honorable Jonathan L. Hale
Second: Honorable Dwight Witherspoon

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this _____ day of NOV 06 2013 2013.



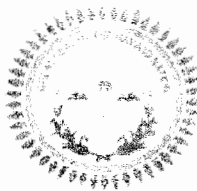
Ben Shelly, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2013, for the reason(s) expressed in the attached letter to the Speaker.

Ben Shelly, President
Navajo Nation

Page 7 of 7

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EXECUTIVE ORDER NO. 12-2014

**IMPLEMENTING THE NAVAJO NATION 911 PROGRAM USING EXECUTIVE
BRANCH RESOURCES, EXISTING CONTRACTED ENTITIES AND DEFINING
ROLES AND RESPONSIBILITIES**

**THE NAVAJO NATION
EXECUTIVE ORDER NO.12-2014**

August 8, 2014

WHEREAS:

I. AUTHORITIES

1. Pursuant to Title 2 of the Navajo Nation Code § 1352.A.1, the Navajo Division of Public Safety has the established authority to “plan, organize and administer *all* aspects of the Navajo Division of Public Safety Programs so as to provide multi-public safety services that meet the needs of tribal members of the Navajo Nation”.
2. Pursuant to Title 2 of the Navajo Nation Code § 1352.A.2, the Navajo Division of Public Safety has the established authority to “exercise control and authority over *all* law enforcement and public safety activities within the Navajo Nation”.
3. Pursuant to Title 2 of the Navajo Nation Code § 1354, the Navajo Division of Public Safety has the established authority to create “departments and administrative components as may be deemed necessary by the Executive Director to fulfill its purposes” and shall be set forth in the Plan of Operation for its “component departments”.
4. Pursuant to the Annual Funding Agreement between the Navajo Nation and the United States Department of the Interior for the period January 1, 2014 through December 31, 2014 the Scope of Work states the Navajo Nation shall “perform police law enforcement activities as noted in the Indian Law Enforcement Reform Act, 25 U.S.C. §§ 2801, *et seq.*, within Navajo Indian Country”, and

5. The Indian Law Enforcement Reform Act, 25 U.S.C. § 2802.c.10, states the Contractor shall include “the development and provision of dispatch and emergency and E-911 services.”
6. Pursuant to Title 17 of the Navajo Nation Code § 102, “the President of the Navajo Nation is authorized to enter into cooperative arrangements and agreements with federal and state law enforcement agencies...for purposes of mutual assistance and definition of responsibilities.”
7. Pursuant to Title 2 of the Navajo Nation Code § 3451 the Navajo Telecommunications Regulatory Commission was “established under the Office of the President and Vice-President within the Executive Branch of the Navajo Nation government.
8. On November 1, 2013 the 22nd Navajo Nation Council did amend Title 2 of the Navajo Nation Code § 3452 of the Navajo Telecommunications Regulatory Commission to included the “implementation of a 911 emergency response system with the Navajo Nation” and it was signed into law on November 6, 2013 by Navajo Nation President Ben Shelly.
9. On November 1, 2013 the 22nd Navajo Nation Council did amend Title 2 of the Navajo Nation Code § 3453 of the Navajo Telecommunications Regulatory Commission to add the additional enumerated power of the Commission to be the implementation of a 911 system and the Commission was directed to “seek the assistance of the federal and state governments and shall be authorized to develop Service Plans meeting the requirements of such jurisdictions if necessary” and will allow the Commission to enter cooperative intergovernmental agreements in “furtherance of implementing a 911 system.”

II. CONCURRENT POWERS OF AUTHORITY

1. The Navajo Division of Public Safety and the Navajo Nation Telecommunications Regulatory Commission both have an interest in developing a Navajo Nation 911 system therefore direction must be provided to these Executive Branch entities to identify oversight, planning, management and funding primacy.

III. 911 EFFORTS BY THE NAVAJO NATION

1. In April, 2014 the Navajo Division of Public Safety did create a 911 Tiger Team to address the issue of 911 development and management. This team has conducted a survey of the literature, has consulted with subscription providers, has secured technical and legal advisement through TechSource--a technical and management consulting firm, through an existing contract, and has identified the

first three tasks of the 911 program to include 1) the evaluation of the existing 911 capabilities and services, 2) the creation of the 911 service plan that would meet the most stringent state requirements and 3) a task that would identify the 911 system and recommendation for that system.

2. The Navajo Nation Telecommunications Regulatory Commission in December 2012, issued Notice of Inquiry in the matter of Navajo Nation 911 Service and the Public Service Answering Point (PSAP), in April 2013, the NNTRC produced a recommendation document named the Navajo 911 Program Proposed Organizational Structure, and, subsequently in November 2013, was designated the lead agency for the 9-1-1 on the Navajo Nation 911. In addition, the NNTRC issued its initial Report and Order on July 18, 2014 establishing the Navajo Nation 9-1-1 Program and the Navajo Nation 911 Resource Center within the NNTRC Office. Finally, the NNTRC recently acquired funding for the implementation of the Navajo Nation 911 Program, and has budgeted one new position for the Resource Center in FY 2015.

THEREFORE:

I, Ben Shelly, President of the Navajo Nation, by the power vested in me pursuant to Title 2 of the Navajo Nation Code § 1005.C.14, issue the following Order to provide clarification in the planning, management and funding primacy of the Navajo Nation 911 Program between the two Executive Branch entities:

1. The Navajo Nation Telecommunications Regulatory Commission (NNTRC) shall be the sole regulatory 911 Authority for the Navajo Nation and shall implement but not be limited to the following:
 - o The NNTRC will continue developing the Navajo Nation 911 Program as outlined in the Report and Order release July 18, 2014 by the NNTRC acting in the regulatory role for 911 on the Navajo Nation;
 - o The NNTRC will develop a program that is equivalent or at the same level as the state 911 programs and notify all appropriate Federal, State and national organizations the Navajo Nation as a sovereign entity intends to exclusively handle all 911 matters within its exterior boundaries;
 - o The NNTRC will ensure all Navajo Nation Divisions, Departments, Programs, and telecommunications service providers are compliant with Navajo Nation 911 Program;
 - o The NNTRC advisory committees recommendations will not be required inclusions into the PSAP Service Plan.

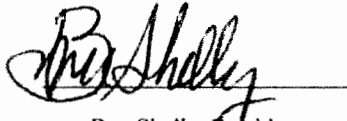
2. The 911 Tiger Team (“team”) of the Navajo Division of Public Safety will have responsibility to develop a comprehensive strategy for the following:
- o The team will develop a Navajo Nation NG911 Emergency Services IP Network (“ESInet”);
 - o The team will recommend a structure within the Navajo Division of Public Safety that will encourage cooperation and collaboration in the development of the Navajo Nation NG911 ESInet;
 - o The team will evaluate the existing IP networking infrastructure to support NG911 ESInet capabilities and services;
 - o The team will create a comprehensive NG911 ESInet implementation plan and PSAP service plan;
 - o The team will identify the minimum requirements of a NG911 PSAP roll out including the developmental, hardware and software requirements for the telecommunication systems and the team will provide a recommendation for the system;
 - o The team will identify the management authority, pursuant to the Annual Funding Agreement and Title 2 of the Navajo Nation Code § § 1352 *et seq*;
 - o The team will develop a preliminary set of standard operating procedures for the Navajo Nation NG911 PSAP;
 - o The team will develop a preliminary proposal to address the consolidation of the seven existing Navajo Nation dispatch centers;
 - o The team will recommend the number and location of the Navajo Nation NG911 PSAP(s);
 - o The team will recommend a funding plan in the Navajo Nation NG911 service plan;
 - o The team will use the existing contracted TechSource resources to accomplish the enumerated tasks.
 - o As the 911 Tiger Team has already established an existing contract with technical and legal professionals, the Commission will use the existing services to expedite the planning process which will allow a deployment in a more expedited manner.

- o The 911 Tiger Team will plan, design, develop, implement, operate, and manage the Navajo Nation NG911 service plan;
3. A portion of the budget approved by the Navajo Nation Council on July 23, 2014 will be used to support the contractual services of the efforts of the 911 Tiger Team specific to Personnel Travel, Air Travel, Consulting Services, Attorney Services, and Special Transactions not to exceed \$195,155.
 4. The Navajo Nation Telecommunications Regulatory Commission and The Division of Public Safety will formalize a process to manage the budget.

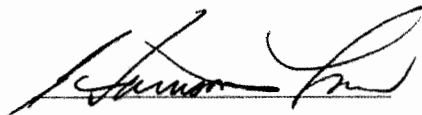
Additionally, all Navajo Nation Divisions, Departments and Programs are hereby directed to provide immediate assistance and resources, as may be allowed, to assist with the development and implementation of the Navajo Nation 911 Program. Further all Navajo Nation enterprises are strongly encouraged to assist in this Navajo Nation safety effort. Further recognizing the inherent importance of geo-spatial data sets and trained personnel it is especially noted that the availability of Navajo Nation geo-spatial data sets and Navajo Nation trained personnel must be made available as needed for this effort.

I hereby direct this Executive Order shall become effective immediately and the PSAP Service Plan to be completed within 45 days from date of signature. Further the order will be binding on all Navajo Nation Executive Branch employees, and subject to enforcement under the Navajo Nation Personnel Policies Manual and all applicable policies and procedures.

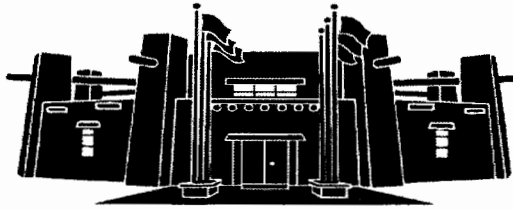
Executed this 8th of August 2014.


Ben Shelly, President
THE NAVAJO NATION

ATTEST:

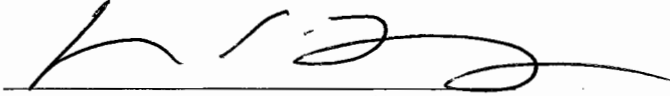


Harrison Tsosie, Attorney General
Department of Justice
The Navajo Nation



MEMORANDUM

TO: Hon. Kee Allen Begay, Jr.
23rd Navajo Nation Council

FROM: 
Levon Henry, Chief Legislative Counsel
Office of Legislative Counsel

DATE: September 19, 2017

SUBJECT: AN ACTION RELATING TO LAW AND ORDER, RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE AND NAABIK'YÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; ADOPTING THE SÍHASIN FUND EMERGENCY MANAGEMENT EXPENDITURE PLAN PURSUANT TO CD-68-14 AND 12 N.N.C §§ 2501 – 2508; WAIVING NAVAJO TELECOMMUNICATIONS REGULATORY COMMISSION'S STATUTORY AUTHORITIES TO IMPLEMENT THE 9-1-1 EMERGENCY RESPONSE SYSTEM

Pursuant to your request, attached is the above-referenced proposed resolution and associated legislative summary sheet. Based on existing law, the resolution as drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of a challenge. Please note, waivers included will require a 2/3rds vote of the Council.

The Office of Legislative Council confirms the appropriate standing committee review based on the standing committee's powers outlined in 2 N.N.C. §§ 3453, 301, 500 and 600. 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).

Please review the proposed resolution to ensure it is drafted to your satisfaction. If this proposed resolution is acceptable to you, please sign it where it indicates "Prime Sponsor", and submit it to the Office of Legislative Services for the assignment of a tracking number and referral to the Speaker.

If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of changes you would like made to the proposed resolution. You may contact me at (928) 871-7166. Thank you.

17-198-1

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0386-17_____

SPONSOR: Kee Allen Begay Jr.

TITLE: An Act Relating To Law And Order, Resources And Development, Budget And Finance And Naabik'iyati' Committees And Navajo Nation Council; Adopting The Sihasin Fund Emergency Management Plan Pursuant To CD-68-14 And 12 N.N.C. §§ 2501-2508; Waiving Navajo Telecommunications Regulatory Commission's Statutory Authorities To Implement The 9-1-1 Emergency Response System.

Date posted: September 19, 2017 at 10:10pm

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.*