

SUMMARY OF PROPOSED LEGISLATION

Tracking No. 0065-22

Date: March 29, 2022

Re: AN ACT RELATING TO THE LAW AND ORDER, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION COUNCIL; APPROVING \$13,215,000 FROM THE SÍHASIN FUND FOR THE COMPLETION OF THE KAYENTA JUDICIAL COMPLEX; APPROVING THE RELATED EXPENDITURE PLAN PURSUANT TO 12 N.N.C. §2501 – §2508

Purpose of this Legislation:

to allocate \$13,215,000 from the Síhasin Fund for the completion (construction activities) of the Kayenta Judicial Complex.

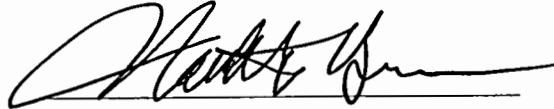
OLC No. 22-063-1

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: 6:38 pm; 03/30/22
Posting End Date: 04-04-22
Eligible for Action: 04-05-22

Law & Order Committee
Thence
Budget & Finance Committee
Thence
Naabik'iyáti' Committee
Thence
Navajo Nation Council

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

Introduced by:



(Prime Sponsor)

Tracking No. 0065-22

AN ACT

RELATING TO THE LAW AND ORDER, BUDGET AND FINANCE,
AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION
COUNCIL; APPROVING \$13,215,000 FROM THE SÍHASIN FUND FOR THE
COMPLETION OF THE KAYENTA JUDICIAL COMPLEX; APPROVING
THE RELATED EXPENDITURE PLAN PURSUANT TO 12 N.N.C. §2501 – §2508

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Law and Order Committee is a standing committee of the Navajo Nation Council with oversight authority for the Division of Public Safety and the Judicial Branch. 2 N.N.C. §600(C)(6).

B. The Budget and Finance Committee is a standing committee of the Navajo Nation Council with the responsibility to “review and recommend to the Navajo Nation Council the budgeting, appropriation, investment and management of all funds.” 2 N.N.C. §301(B)(2).

C. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council that considers all proposed final actions by the Navajo Nation Council. 2 N.N.C. §164(A)(9).

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

As such, the Council may approve appropriations from the Navajo Nation's Síhasin Fund.

E. 12 N.N.C. §2502, as amended by CJA-03-18, states the purpose of the Navajo Nation Síhasin

1 Fund ("Síhasin Fund") as follows:

2 §2502 Purpose

3 A. The purposes of this Fund are to provide financial support and/or financing for:

4 1. The planning and development of economic development and regional
5 infrastructure supporting economic development and community
6 development, including such infrastructure as, but not limited to, housing,
7 commercial and government buildings, waterline, solid waste management
8 development, powerline projects, and transportation and communication
9 systems, within the Navajo Nation; . . .

10 B. For the Purpose in §2502(A)(1), Fund expenditures for infrastructure shall
11 not be limited by 12 N.N.C. §1310(F) or TCDCJY-77-99.

12 C. Leveraging the Fund by way of guaranteeing loans, match funding, direct
13 funding in part, and other weighted uses of the Fund, including loan financing
14 from the Fund, for the purposes in §2502(A)(1), shall be favored over direct
15 funding in whole.

16 F. The Síhasin Fund provides that "Fund Principal" shall consist of all deposits made to the
17 Síhasin Fund and that "Fund Income" shall consist of all earnings (interest, dividends, etc.)
18 generated and realized by the Fund Principal, and that Síhasin Fund Income shall be
19 deposited in, and added to, the Fund Principal until such time as a Fund Expenditure Plan is
20 duly approved. 12 N.N.C. §2504 and §2505(C).

21 G. The Síhasin Fund provides that "Fund Principal and Income shall not be expended except
22 pursuant to a Fund Expenditure Plan consistent with the purposes set forth in §2502 of this
23 Chapter and adopted by a two-thirds (2/3) vote of all members of the Navajo Nation
24 Council." 12 N.N.C. §2505(A).

25
26 **SECTION TWO. FINDINGS**

27 A. The Kayenta Township ("Township") was permanently made a home rule municipality of
28 the Navajo Nation by Navajo Nation Council Resolution CAU-47-03 (August 29, 2003).

29 B. The Kayenta Township Commission ("Commission"), the Township's governing body, was
30 given broad authority to perform all functions necessary for Kayenta local self-government,

1 consistent with generally applicable laws of the Navajo Nation and the federal government.
2 2 N.N.C. §4081 and §4084.

3 C. The Kayenta Judicial District (the “District”) covers approximately 2,439,395 acres with a
4 population of over 19,240 residents. Economic development and overall growth in the
5 Kayenta community and surrounding areas within the District have created the need for
6 adequate and expanded judicial services, including a new public safety and judicial facility.

7 D. Since 2001, the Township, the Commission, the District, the Kayenta Chapter, and Kayenta
8 public safety personnel, have been working on a four-phase master plan for the construction
9 of a new public safety and judicial complex (the “Project”) in Kayenta. The Commission and
10 several Chapters have indicated their full support for the Project. **EXHIBIT A.**

11 E. The Director of the Office of the Navajo Public Defender and the Navajo Nation’s Acting
12 Chief Prosecutor have both prepared memoranda explaining the need for the new Kayenta
13 Judicial Complex. **EXHIBIT B.** According to them, the current buildings and facilities at
14 Kayenta are inadequate to house sufficient prosecutor staff and public defender staff, or to
15 provide adequate judicial and public safety services for the Kayenta Chapter and surrounding
16 communities. **EXHIBIT B.**

17 F. The Kayenta District Court Judge and the Kayenta Court Administrator have also prepared
18 a Proposal, dated June 24, 2021, discussing the need for the new Kayenta Judicial Complex
19 and the \$13,215,000 in requested funds. **EXHIBIT C.** They explain that the first two phases
20 of the Project were partially funded through an appropriation from the American Recovery
21 and Reinvestment Act of 2009 which funds were accepted by the Navajo Nation on
22 September 23, 2009. However, the last phases of the Project, which involve construction of
23 the planned Juvenile Detention and Judicial Facilities remain to be completed. **EXHIBIT C.**

24 G. The Project’s architects have provided a set of Construction Documents for the Project,
25 consisting of drawings and Project specifications. **EXHIBIT D.** The architects explain that,
26 once adequate funding is secured for the Project, they will stamp and date the Construction
27 Documents and the Project will be ready for bidding out to general contractors. **EXHIBIT D.**

28 H. The Kayenta District Court provides court services, peacemaking, probation and parole
29 services for the Kayenta, Chilchinbeto, Dennehotso, Oljato, Tsa’ah bii Kin, Naatsis’aan, and
30 Shonto Chapters of the Navajo Nation. Existing facilities are woefully inadequate to provide

1 necessary judicial services which are a critical component of public safety for Kayenta and
2 surrounding communities. EXHIBIT C.

3 I. The proposed new 17,000 square foot Kayenta Judicial Complex will provide a permanent
4 building for court services, judicial program personnel, the Prosecutor's Office, Probation
5 and Parole Services, the Public Defender's office, the Peacekeeping Program, offices,
6 meeting rooms, and hearing rooms, and will greatly expand and improve the availability and
7 delivery of judicial and law enforcement services. EXHIBIT C.

8 J. In Resolution No. LOCJN-04-17 (dated June 2, 2017), the Law and Order Committee, upon
9 the recommendation of the Judicial Branch and the Division of Public Safety, identified the
10 Kayenta Judicial Complex as priority number 3 for the urgently needed judicial/public safety
11 facilities on the Navajo Nation.

12 K. The Navajo Nation finds that providing the requested \$13,215,000 in Síhasin Funds is in the
13 best interest of the Navajo Nation and the Navajo People.

14
15 **SECTION THREE. APPROVING \$13,215,000 FROM THE SÍHASIN FUND FOR THE**
16 **COMPLETION OF THE KAYENTA JUDICIAL COMPLEX;**
17 **APPROVING THE RELATED EXPENDITURE PLAN**
18 **PURSUANT TO 12 N.N.C §2501 – §2508**

19 A. In accordance with 12 N.N.C. §2505(A), the Navajo Nation hereby approves \$13,215,000
20 out of the Síhasin Fund for the completion of the Kayenta Judicial Complex.

21 B. The Navajo Nation hereby approves the Expenditure Plan for the Kayenta Judicial Complex
22 Project, consisting of construction activities as described in the attached EXHIBITS A- D.

23 C. The total amount of \$13,215,000 in Síhasin funds approved in this Act may be further
24 leveraged by bond or loan financing pursuant to the Navajo Nation Bond Financing Act (12
25 N.N.C. §1300 *et seq.*, as amended), using Síhasin Fund earnings for repayment and financing
26 costs, upon approval of the Budget and Finance Committee and upon further approval by a
27 two-thirds (2/3) vote of the full membership of the Navajo Nation Council.

28 D. The Controller shall determine whether the source of the \$13,215,000 approved herein will
29 be Síhasin Fund Principal or Síhasin Fund Income, or a combination of both.

30 E. Within thirty (30) business days after the effective date of this Act, the Controller shall begin

1 releasing the Síhasin funds approved herein to the Kayenta Township, provided that an
2 appropriate grant agreement, memorandum of agreement, or other legal document
3 establishing a project schedule, payment or drawdown plan, fund management plan, or other
4 relevant procedures, has been agreed to by the Controller and is executed by the Kayenta
5 Township and the Navajo Nation.

6 F. The \$13,215,000 in Síhasin funds shall be used by the Township strictly for the completion
7 of the Kayenta Judicial Complex (construction activities), as described in EXHIBITS A- D
8 attached hereto. The Township shall be responsible for complying with the Expenditure Plan
9 approved herein, and with all provisions of the agreement described in Section Three (E)
10 above.

11 G. As a condition of receiving the approved Síhasin funds, the Township shall allow the Navajo
12 Nation full access to its financial records related to the Síhasin funds the Township has
13 received, for the purpose of the Navajo Nation's review and audit of the Township's
14 expenditures of the Síhasin funds.

15 H. The Township shall submit a written report, and a verbal report if so requested, explaining
16 the ongoing status of the Kayenta Judicial Complex Project and its expenditures of the
17 approved Síhasin funds, to the Resources and Development Committee, the Budget and
18 Finance Committee, and the Naabik'íyáti' Committee. Said reports shall be provided by the
19 end of each Fiscal Year Quarter until the Kayenta Judicial Complex Project is completed or
20 the entire \$13,215,000 in Síhasin funds is exhausted.

21 I. Any and all savings or unused amounts of the Síhasin funds approved herein shall be
22 immediately returned to the Síhasin Fund Principal once the Kayenta Judicial Complex is
23 completed, or upon the reversion deadline in Section Three (J) below.

24 J. The approved Síhasin funds shall not lapse on an annual basis, which would otherwise occur
25 pursuant to 12 N.N.C. §820(N). However, any Síhasin funds not spent or encumbered within
26 thirty-six (36) months of the date the Kayenta Township receives the first disbursal of the
27 approved \$13,215,000 shall then immediately revert to the Síhasin Fund Principal, unless
28 otherwise approved by both the Law and Order Committee and the Naabik'íyáti' Committee
29 of the Navajo Nation Council.

30 K. The Síhasin Fund shall be reimbursed the \$13,215,000 amount approved herein, from funds

1 available to the Navajo Nation from any and all state and federal sources, including
2 Congressional appropriations under the American Rescue Plan Act of 2021 or other COVID-
3 19-related relief, so long as the Project expenditures described herein are deemed eligible
4 under such COVID-19-related or other funding sources.

5
6 **SECTION FOUR. EFFECTIVE DATE**

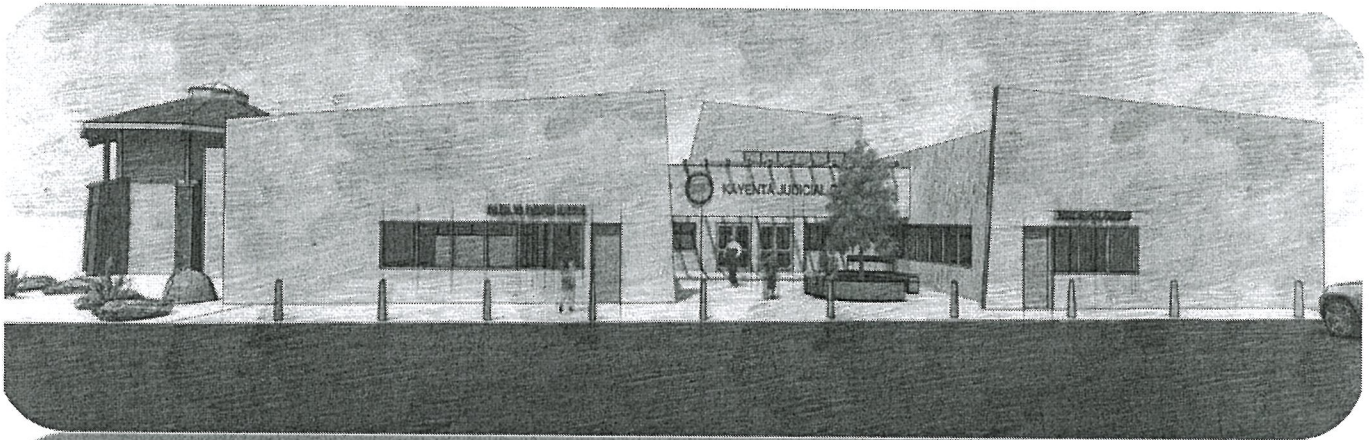
7 This Act and the Expenditure Plan for the Kayenta Judicial Complex Project approved herein
8 shall be effective pursuant to 12 N.N.C. §2505.

9
10 **SECTION FIVE. SAVING CLAUSE**

11 If any portion of this Act is invalidated by the Supreme Court of the Navajo Nation, or by any
12 Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, the
13 remainder of this Act shall be the law of the Navajo Nation.



Kayenta District



Proposed Judicial Complex Support Resolutions



THE KAYENTA TOWNSHIP

P.O. BOX 1490 KAYENTA, AZ 86033 - PHONE: (928) 697-8451 FAX: (928) 697-8461

Continuing the legacy of brilliant leadership through local empowerment since 1986.



Resolution No: KTCM-16-19

RESOLUTION OF THE KAYENTA TOWNSHIP COMMISSION

Supporting a Navajo Nation Council Resolution Approving and Adopting the Síhasin Fund Kayenta Judicial Complex Expenditure Plan Pursuant 12 N.N.C. §§ 2501 - 2508

WHEREAS:

1. The Kayenta Township Commission ("Commission") is a home-rule municipality of the Navajo Nation with the general authority and responsibility to govern for the welfare of the Kayenta Township ("Township"), the Township's employees, and its residents, including the enactment of such ordinances, rules and regulations as it deems in the best interest of the Township. See 2 N.N.C. §§ 4081-4086, as amended; and
2. The Kayenta Judicial District (the "District") covers approximately 2,439,395 acres with a population of over 19,240 residents. Because of growth and economic development initiatives within the District, there has been a need to enhance and expand the availability and delivery of judicial services and a need for a new public safety and judicial facility in the District; and
3. Since 2001, the Kayenta Township Commission, the Kayenta Chapter Administration, the Kayenta Judicial District, and Kayenta Public Safety personnel have been working on a four-phase master plan for the construction of a new public safety and judicial complex for the District (the "Project"), have obtained community support for the Project, and have completed all necessary land use clearances, including an archaeological survey and an environmental assessment; and
4. The first two phases of the Project were funded through the use of an appropriation from the United States Congress (ARRA or "stimulus" funds"), which were accepted by the Navajo Nation on September 23, 2009. The new Department of Corrections and Public Safety facilities had their grand opening on June 04, 2015. However, the last two phases of the Project for the Juvenile Detention and Judicial Facilities remain to be completed; and
5. The Kayenta District Court provides court, peacemaking and probation services for the Kayenta, Chilchinbeto, Dennehotso, Inscription House, Navajo Mountain, Oljato, and Shonto Chapters of the Navajo Nation. The current 25-year-old court facility is cramped, aged and inadequate to provide the necessary judicial services, which are a critical component of public safety for the Kayenta Township and surrounding communities; and
6. A new 15,000 square foot Kayenta Judicial Complex will provide a safe and permanent building for courts, judicial program personnel, the prosecutor's office, the peacekeeping program, offices, meeting rooms, and hearing rooms that are culturally based, and expand and improve the availability and delivery of judicial services; and

7. Pursuant to Resolution No. LOCJN-04-17 (June 2, 2017), the Law and Order Committee of the Navajo Nation, on the recommendation of the Judicial Branch and the Division of Public Safety, identified construction of a new Kayenta Judicial Complex as the number third priority for construction of judicial/public safety facilities on the Navajo Nation; and
8. Pursuant to Resolution No. KTCAU-38-18, at the request of the Kayenta Judicial District, the Commission approved an appropriation to the Navajo Nation Judicial Branch for completing the construction of a new public safety and judicial facility in the Kayenta Judicial District, in the amount of \$555,500.00; and
9. Pursuant to Resolution No. KTCD-58-18 (Dec. 10, 2018), at the request of the Navajo Nation, the Commission authorized the Township to serve as Fiscal Agent for the Project, whereby the Township would hold all of the funding for the Project from whatever source, assist in the procurement of the contractor for the Project, and directly disburse payments for the Project; and
10. The land where the Kayenta Judicial Complex is to be located is within the Township's boundaries and its withdrawal has already been approved by the Commission for the exclusive use of the Kayenta Judicial Complex, at an estimated value of \$247,771.55, which is an additional in-kind contribution by the Commission; and
11. An approximate additional \$12,000,000.00 in funding is needed to complete the design and construction of the Kayenta Judicial Complex, as set forth in draft Navajo Nation Council legislation attached hereto as Exhibit A; and
12. Pursuant to Navajo Nation Council Resolution No. CD-68-14, the Navajo Nation Council enacted the Navajo Nation Breach of Trust Settlement Act of 2014 and established the Sîhasin Fund at 12 N.N.C. § 2501 *et seq.* The Sîhasin Fund is funded with all moneys received from the United States government through the settlement of *Navajo Nation v. United States*, U.S. Court of Federal Claims, Case No. 06-945L, as well as proceeds of other settlement or judgment awards and any other sources of revenue as appropriated by the Navajo Nation Council. 12 N.N.C. § 2501(A), (B); and
13. Pursuant to Navajo Nation Council Resolution No. CJA-03-18, the Navajo Nation Sîhasin Fund may be used for (1) "[t]he planning and development of economic development and regional infrastructure supporting economic and community development, including such infrastructure as, but not limited to, housing, commercial and government buildings, waterline, solid waste management development, powerline projects, and transportation and communication systems, within the Navajo Nation;" and (2) "educational opportunities for members of the Navajo Nation." 12 N.N.C. § 2502(A); and
14. The Commission determines that construction of a safe and permanent building for the Kayenta Judicial District, an essential component to public safety, is in the best interest of the Township; and

15. The Commission now wishes to support the use of the Sîhasin Fund for the design and construction of the Kayenta Judicial Complex, as set forth in the draft legislation attached hereto as Exhibit A.


NOW THEREFORE BE IT RESOLVED THAT:

1. The Commission hereby renews its support of stakeholder efforts to construct the new Kayenta Judicial Complex, which will provide a safe and permanent home for the Kayenta Judicial District and expand and improve the delivery of judicial services.
2. The Commission hereby supports use of the Sîhasin Fund for the design and construction of the Kayenta Judicial Complex, and hereby reaffirms its in-kind contribution of land for the Complex, at an estimated value of \$247,771.55.
3. The Commission hereby supports legislation by the Navajo Nation Council approving the use of Sîhasin funds for the Kayenta Judicial Complex, a draft of such legislation which is attached hereto as Exhibit "A."
4. The Commission reaffirms that the Township will act as fiscal agent for all funds for the construction of the Kayenta Judicial Complex and hereby approves and authorizes the Township to do the procurement for the Complex, including without limitation design and construction of the Complex.
5. The Commission hereby authorizes the Town Manager and the Commission Chairperson to take all appropriate and necessary steps to accomplish the purposes of this Resolution, including locating one or more sponsors for Navajo Nation Council legislation to fund the Kayenta Judicial Complex from the Sîhasin Fund.
6. This Resolution supersedes and replaces any prior resolutions passed for the same purpose and subject matter, which are in conflict with the provisions herein.

CERTIFICATION

I hereby certify that the foregoing resolution was considered by the Kayenta Township Commission at a duly called meeting at Kayenta, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 4 in favor, 0 opposed, and 1 abstained, this 11TH day of March, 2019.

Motion: Commissioner J. Williams
Second: Commisisoner C. Kescoli


Edward Seaton, Chairperson
Kayenta Township Commission



Navajo Nation Kayenta Chapter
Post Office Box 1088
Kayenta Chapter, Navajo Nation, AZ 86033
Chapter Resolution

Resolution No: KY19-396-01

**SUPPORTING THE EFFORTS OF THE KAYENTA JUDICIAL DISTRICT TO
OBTAIN FUNDING FROM THE NAVAJO NATION SIHASIN FUNDS, AND OTHER
FUNDING FROM NAVAJO NATION, FEDERAL, AND STATE SOURCES AS
NEEDED**

WHEREAS,

1. The Kayenta Chapter of the Navajo Nation acts on his resolution pursuant to the authority conferred on the Chapter through Navajo Nation Code Title 26, Chapter 1, Section 1, B. Purpose which states "Through adoption of this Act, the Navajo Nation Council delegates to Chapters governmental authority with respect to local matters consistent with Navajo law, including custom and tradition: the inclusivity provided by the Dine Fundamental Law, in that "it is entirely appropriate for the government itself to openly observe these fundamental laws"; and
2. Kayenta Judicial district serves the following chapters; Ts'ah Bii kin, Navajo Mountain, Oljato, Shonto, Dennehotso, Kayenta and Chilchinbeto areas; and
3. The Seven Chapters referenced above make up the Kayenta Police District, which Kayenta Judicial District serves; and
4. It is in the best interest of Kayenta Chapter and the Dine served by the Kayenta Chapter to support the efforts of the Kayenta Judicial District; and
5. The Kayenta Chapter has heard a report and recommendation of the Kayenta Court Administrator and has determined that it should adopt and support efforts of the Kayenta Judicial District to obtain funding for the construction of the Kayenta Courts, including without limitation from Navajo Nation Sihasin funds, and from other Navajo Nation, Federal, and state sources of funds as needed.; and

NOW THEREFORE, BE IT RESOLVED,

1. The Kayenta Chapter hereby supports the Kayenta Judicial District in obtaining funding for the construction of the Kayenta Judicial District, which serves seven chapters in the Kayenta Police district, including without limitation Navajo Nation Sihasin funds, and other Navajo Nation, Federal, and state sources of funds as needed.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the **KAYENTA** Chapter, **KAYENTA, ARIZONA**, Navajo Nation, Arizona, at which a quorum was present and that the same was passed by a vote of **22** in favor, **00** opposed, and **01** abstaining, this 14th day of January, 2019.

Motion: Rosie Begay

Second: Sara Blackwater



Stanley Clitso, Kayenta Chapter President

President
FELIX R FULLER
Vice-President
ELIZABETH WHITETHORNE-
BENALLY
Secretary / Treasurer
WINNIFRED BRONSTON
Grazing Representative
ROLAND SMALLCANYON
Council Delegate
HERMAN DANIELS



East Representative
JONES GRASS
South Representative
STANLEY YAZZIE
West Representative
ROYD LEE
North Representative
VACANT

Governance Manager
ROBERT K BLACK, JR.

SHO01-23-19

**APPROVING AND SUPPORTING THE EFFORTS OF THE KAYENTA JUDICIAL
DISTRICT TO OBTAIN FUNDING FROM THE NAVAJO NATION SIHASIN FUNDS,
AND OTHER FUNDING FROM NAVAJO NATION, FEDERAL, AND STATE
SOURCES AS NEEDED**

WHEREAS:

1. Pursuant to TCDCS-98-99, The Transportation and Community Development approved the Governance Certification of the Five Management System Policies and Procedures for Shonto Chapter, pursuant to the Local Governance Act, 26 N.N.C. Section 102(B); and
2. Shonto Community Governance is a local certified Chapter of the Navajo Nation Government with vested authority and responsibility to develop and implement local ordinances and to approve plans and take positions on matters of local concern that are in the best interest of the local chapter and Navajo Nation; and
3. Kayenta Judicial District serves the following chapters: Ts'ah Bii Kin, Navajo Mountain, Oljato, Shonto, Dennehotso, Kayenta and Chilchinbeto areas; and
4. The Seven Chapters referenced above make up the Kayenta Police District, which Kayenta Judicial District serves; and
5. It is in the best interest of Shonto Community Governance and the *Diné* served by the Shonto Community Governance to support the efforts of the Kayenta Judicial District; and
6. The Shonto Community Governance has heard a report and recommendation of the Kayenta Judicial District Court Administrator and has determined that it should adopt and support efforts of the Kayenta Judicial District to obtain funding for the construction of the Kayenta Courts, including without limitation from Navajo Nation *Sihasin* funds, and from other Navajo Nation, Federal, and state sources of funds as needed.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Shonto Community Governance hereby supports the Kayenta Judicial District in obtaining funding for the construction of the Kayenta Judicial District, which serves seven chapters in the Kayenta Police district, including without limitation Navajo Nation *Sihasin* funds, and other Navajo Nation, Federal, and state sources of funds as needed.

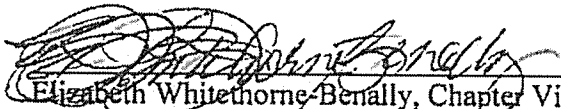
CERTIFICATION

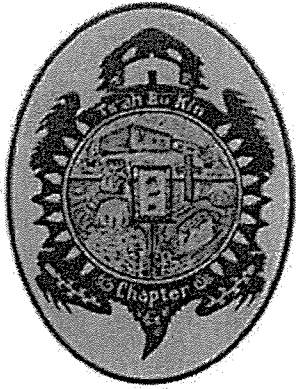
We hereby certify that the foregoing resolution was duly considered by the Shonto Community Governance at a duly called Council of Nat'aa meeting in Shonto, Arizona at which a quorum was present and that the same was passed by a vote of 7 in favor 0 opposed, and 0 abstained, this 24th day of January 2019.

Motion: Mr. Brian Kee

Second: Ms. Marsha Greyeyes

CONCURRENCE:


Elizabeth Whitethorne-Benally, Chapter Vice-President
Shonto Community Governance (Chapter)



Ts'ah Bii Kin Chapter

Martha Tate
President

Geraldine Chee
Vice-President

Chancy Nodestine
Secretary/Treasurer

Jerry Happy Begay
Grazing Official

Herman Daniels Jr.
Council Delegate

RESOLUTION # 2019-013-004

**SUPPORTING THE EFFORTS OF THE KAYENTA JUDICIAL DISTRICT TO
OBTAIN FUNDING FROM THE NAVAJO NATION SIHASIN FUNDS, AND OTHER FUNDING
FROM NAVAJO NATION, FEDERAL, AND STATE SOURCES AS NEEDED**

Whereas:

1. The Ts'ah Bii Kin Chapter of the Navajo Nation acts on this resolution pursuant to the authority conferred on the Chapter through Navajo Nation Code Title 26, Chapter 1, Section 1, B. Purpose which states "Through adoption of this Act, the Navajo Nation Council delegates to Chapters governmental authority with respect to local matters consistent with Navajo law, including custom and tradition" the inclusivity provided by the *Dine* Fundamental Law, in that "it is entirely appropriate for the government itself to openly observe these fundamental laws", and
2. Kayenta Judicial District serves the following chapters: Ts'ah Bii Kin, Navajo Mountain, Oljato, Shonto, Dennehotso, Kayenta and Chilchinbeto areas; and
3. The seven Chapters referenced above make up the Kayenta Police District, which Kayenta Judicial District serves; and
4. It is in the best interest of Ts'ah Bii Kin Chapter and the *Diné* served by the Ts'ah Bii Kin Chapter to support the efforts of the Kayenta Judicial District; and
5. The Ts'ah Bii Kin Chapter has heard a report and recommendation of the Kayenta Judicial District Court Administrator and has determined that it should adopt and support efforts of the Kayenta Judicial District to obtain funding for the construction of the Kayenta Courts, including without limitation from Navajo Nation *Sihasin* funds, and from other Navajo Nation, Federal, and state sources of funds as needed.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Ts'ah Bii Kin Chapter hereby supports the Kayenta Judicial District in obtaining funding for the construction of the Kayenta Judicial District, which serves seven chapters in the Kayenta Police district, including without limitation Navajo Nation *Sihasin* funds, and other Navajo Nation, Federal, and state sources of funds as needed.

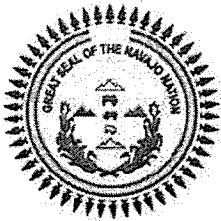
CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Ts'ah Bii Kin Chapter at a duly called meeting in Ts'ah Bii Kin, Arizona at which a quorum was present and that the same was passed by a vote of 27 in favor 0 opposed, and 5 abstained, this 13th day of January 2019.

Motion: Josiah White Second: Aurora Tate

CONCURRENCE:

Martha Tate
Martha Tate: Ts'ah Bii Kin Chapter President



OLJATO CHAPTER/ADMINISTRATION
PO BOX 360455
MONUMENT VALLEY, UTAH 84536
Email: oljato@navajochapters.org
Phone: 435-727-5850 Fax: 5852
Shirlee Bedonie, Com. Serv. Coord.

Herman Daniels Jr. Council Delegate
James Adakai, President
Albert Holiday, Vice President
LaNell Menard-Parrish, Sec/Treasurer
Billy Charley, Grazing Official
Peggy Abrigo, Account. Maint. Specialist

RESOLUTION OF THE OLJATO CHAPTER

Resolution No: OLJ 02-07-2019

SUPPORTING THE EFFORTS OF THE KAYENTA JUDICIAL DISTRICT TO OBTAIN FUNDING FROM THE NAVAJO NATION SIHASIN FUNDS, AND OTHER FUNDING FROM NAVAJO NATION, FEDERAL, AND STATE SOURCES AS NEEDED

WHEREAS;

1. Pursuant to Navajo Nation Code, Section 4001 (D) and 4028 (a), (b), the Oljato Chapter is established and certified as a local government entity of the Navajo Nation vested with the authority to review all matters affecting the Chapter and submit appropriate recommendations to the Navajo Nation Government or other local agencies by resolution; and
2. Pursuant to 26 N.N.C., Chapter 1: Navajo Nation Chapter, Section 1., (B) (1) & (2), The Navajo Nation Councils delegated to Chapter governmental authority with respect to local matters consistent with Navajo law, including custom and tradition and allows chapter to make decisions to govern with responsibility
3. Kayenta Judicial District serves the following chapters: Ts'ah Bii Kin, Naatsis'aán, Oljato, Shonto, Dennehotso, Kayenta and Chilchinbeto areas; and
4. The seven Chapters referenced above make up the Kayenta Police District, which Kayenta Judicial District serves; and
5. It is in the best interest of Oljato Chapter and the *Diné* served by the Oljato Chapter to support the efforts of the Kayenta Judicial District; and
6. The Oljato Chapter has heard a report and recommendation of the Kayenta Judicial District Court Administrator and has determined that it should adopt and support efforts of the Kayenta Judicial District to obtain funding for the construction of the Kayenta Courts, including without limitation from Navajo Nation *Sihasin* funds, and from other Navajo Nation, Federal, and state sources of funds as needed.

NOW THEREFORE BE IT RESOLVED THAT:

The Oljato Chapter hereby supports the Kayenta Judicial District in obtaining funding for the construction of the Kayenta Judicial District, which serves seven chapters in the Kayenta Police district, including without limitation Navajo Nation *Sihasin* funds, and other Navajo Nation, Federal, and state sources of funds as needed.

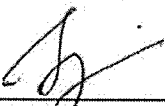
CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Oljato Chapter at a regular duly called meeting at Oljato, Navajo Nation, Utah at which a quorum was present and that same was passed by a vote of 51 in favor, 0 opposed and 3 abstained, this 10 day of **FEBRUARY 2019**.

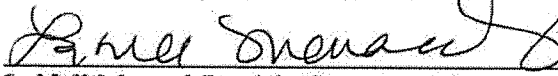
1st Motion by: MARY GAZZIE 2nd Motion by: LINDA RODRIGUEZ

RESOLUTON NO: 01502-07-2019

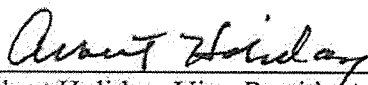
DATE: February 10, 2019



James Adakai, Chapter President



LaNell Menard-Parrish, Secretary/Treasurer



Albert Holiday, Vice-President

**RESOLUTION OF THE
DENNEHOTSO CHAPTER
DCHJAN – 024 – 2019**

**SUPPORTING THE EFFORTS OF THE KAYENTA JUDICIAL COURTS TO OBTAIN
FUNDING FROM THE NAVAJO NATION SÍHASIN FUNDS, AND OTHER FUNDING
FROM NAVAJO NATION, FEDERAL, AND STATE SOURCES AS NEEDED**

WHEREAS:

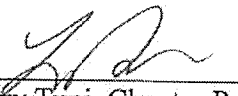
1. Dennehotso Chapter is a certified Chapter of the Navajo Nation, established and recognized by the Navajo Nation Council as a foundation of the Navajo Nation government, vested with the authority to plan and implement projects in the best interest of the community, 1AW N.N.C., Section 103 (D); and
2. Kayenta Judicial courts serves the following chapters: Inscription house, Navajo Mountain, Oljato, Shonto, Dennehotso, Kayenta and Chilchinbeto areas; and
3. The Seven Chapters referenced above make up the Kayenta Police District, which Kayenta Judicial courts serves; and
4. It is in the best interest of Dennehotso Chapter and the *Diné* served by the Dennehotso Chapter to support the efforts of the Kayenta Judicial Courts; and
5. The Dennehotso Chapter has heard a report and recommendation of the Kayenta Court administrator and has determined that it should adopt and support efforts of the Kayenta Judicial courts to obtain funding for the construction of the Kayenta Courts, including without limitation from Navajo Nation Síhasin funds, and from other Navajo Nation, Federal, and state sources of funds as needed.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Dennehotso Chapter hereby supports the Kayenta Judicial Courts in obtaining funding for the construction of the Kayenta Judicial courts, which serves seven chapters in the Kayenta Police district, including without limitation Navajo Nation Síhasin funds, and other Navajo Nation, Federal, and state sources of funds as needed.

CERTIFICATION

I certify that the foregoing resolution was duly considered by the Dennehotso Chapter, at a duly called meeting, in Dennehotso (Navajo Nation), Arizona at which a quorum was present and that same was passed by a vote of, **25** in favor **01** opposed, **01** abstained, this **13th** day of **January, 2019**



Larry Tuni, Chapter President
Dennehotso Chapter – Western Navajo Agency

Motion by: **Irene Clah**
Seconded by: **Etta Mitchell**

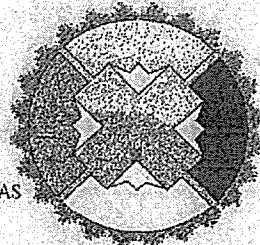


CHILCHINBETO CHAPTER

"HOME OF THE WORLD'S LARGEST NAVAJO RUG"

P.O. BOX 1681, KAYENTA, AZ 86033. EAST HIGHWAY 160 NAVAJO RTE. 59
PHONE: (928) 697-5680/5681 • FAX (928) 697-5691 chilchimbeto@navajochapters.org

Thomas Bradley PRESIDENT • Eugene Badonie VICE PRESIDENT • Rita Zonnie SEC/TREAS
VACANT GRAZING OFFICIAL • Nathaniel Brown. COUNCIL DELEGATE



RESOLUTION OF THE CHILCHINBETO CHAPTER OF THE NAVAJO NATION RESOLUTION NO.: CCH #02-10-19D

SUPPORTING THE EFFORTS OF THE KAYENTA JUDICIAL DISTRICT TO OBTAIN FUNDING FROM THE NAVAJO NATION SIHASIN FUNDS, AND OTHER FUNDING FROM NAVAJO NATION, FEDERAL, AND STATE SOURCES AS NEEDED

WHEREAS:

1. Pursuant to Title 26 N.N.C., Chilchimbeto Chapter is a certified Chapter of the Navajo Nation and is delegated the authority and responsibility to promote projects which benefits the local community; and
2. Pursuant to 2 N.N.C., Section 4028 (a), the Chilchimbeto Chapter is vested with the authority to review all matters affecting the community and make appropriate recommendations to the Navajo Nation, Federal, State, and local agencies for appropriate actions; and
3. The Chilchimbeto Chapter of the Navajo Nation acts on this resolution pursuant to the authority conferred on the Chapter through Navajo Nation Code Title 26, Chapter 1, Section 1, B. Purpose which states "Through adoption of this Act, the Navajo Nation Council delegates to Chapters governmental authority with respect to local matters consistent with Navajo law, including custom and tradition" the inclusivity provided by the *Dine* Fundamental Law, in that "it is entirely appropriate for the government itself to openly observe these fundamental laws"; and
4. Kayenta Judicial District serves the following chapters: Ts'ah Bii Kin, Naatsis'áán, Oljato, Shonto, Dennehotso, Kayenta and Chilchimbeto areas; and
5. The seven Chapters referenced above make up the Kayenta Police District, which Kayenta Judicial District serves; and
6. It is in the best interest of Chilchimbeto Chapter and the *Diné* served by the Chilchimbeto Chapter to support the efforts of the Kayenta Judicial District; and
7. The Chilchimbeto Chapter has heard a report and recommendation of the Kayenta Judicial District Court Administrator and has determined that it should adopt and support efforts of the Kayenta Judicial District to obtain funding for the construction of the Kayenta Courts, including without limitation from Navajo Nation *Sihasin* funds, and from other Navajo Nation, Federal, and state sources of funds as needed.

NOW, THEREFORE BE IT RESOLVED THAT:

The Chilchimbeto Chapter hereby supports the Kayenta Judicial District in obtaining funding for the construction of the Kayenta Judicial District, which serves seven chapters in the Kayenta Police district, including without limitation Navajo Nation *Sihasin* funds, and other Navajo Nation, Federal, and state sources of funds as needed.

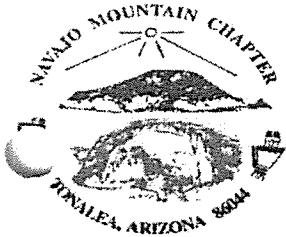
CERTIFICATION

We hereby certify that the foregoing resolution was considered at a duly called meeting at Chilchimbeto Chapter, Navajo Nation, at which a quorum was present and that the same was passed by a vote of 22 in favor, 00 opposed, and 00 abstained, this 10th day of February 2019.

Motioned By: Ernest Brown

Seconded By: Sam Charlie, Jr.

Thomas Bradley, President



**RESOLUTION OF THE
NAATSIS' AAN (Navajo Mountain) CHAPTER
OF THE NAVAJO NATION**

Hank Stevens
President

Sharon L Jean
Vice-President

Willie Grayeyes
Secretary/Treasurer

Russell Smallcanyon
*Grazing Committee
Member*

Herman Daniels Jr
Council Delegate

RESOLUTION NO. NM-2019-02-069

**SUPPORTING THE EFFORT OF KAYENTA JUDICIAL DISTRICT TO OBTAIN FUNDING
FROM THE NAVAJO NATION SIHASIN FUNDS AND OTHER FUNDING FROM NAVAJO
NATION, FEDERAL AND STATE SOURCES AS NEEDED.**

WHEREAS:

1. The Navajo Nation is a Federally recognized Tribal Government and the Navajo Nation encompasses 27,000 square miles within the states of Arizona, New Mexico and Utah; and,
2. The NaaTsis' Aan (Navajo Mountain) Chapter acts on this resolution pursuant to the authority conferred on the Chapter through Navajo Nation Code Title 26, Chapters 1, Section 1, (B) Purpose which states " Through adoption of this Act, the Navajo Nation Council delegates to Chapter governmental authority with respect to local matters consistent with Navajo Laws, including custom and traditional" the inclusivity provided by the Dine' Fundamental Law, in that "it is entirely appropriate for government itself to openly observe these fundamental laws"; and,
3. Kayenta Judicial District provides serves to the following Chapters: Ts'ah Bii Kin, NaaTsis' Aan, Oljato, Shonto, Dennehotso, Kayenta and Chilchinbeto, which also includes the Kayenta Police District; and,
4. Its is in the best interest of NaaTsis' Aan Chapter and the Dine' served by the NaaTsis' Aan Chapter and surrounding communities to support the efforts of the Kayenta Judicial District; and,
5. The NaaTsis' Aan Chapter acknowledges these concerns effecting its community and recommendation of the Kayenta Judicial District Court Administration and has determined that it should adopt and support efforts of the Kayenta Judicial District to obtain funding for the construction of the Kayenta Courts, including without limitation from Navajo Nation *Sihasin* funds, and other Navajo Nation, Federal and State sources of funds as needed.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Naatsis' Aan (Navajo Mountain) Chapter hereby supports the Kayenta Judicial District in obtaining funding for the construction of the Kayenta Judicial District, which serves seven Chapters in the Kayenta Police District, including without limitation Navajo Nation *Sihasin* funds and other Navajo Nation, Federal and State sources of funds as needed.

CERTIFICATION

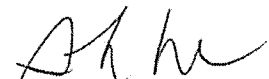
We hereby certify that the foregoing resolution was duly considered by the NaaTsis' Aan (Navajo Mountain) Chapter at a duly called meeting at Navajo Mountain, Utah at which a quorum was present and that the same was passed by a vote of 20 in favor, 0 opposed and 6 abstained, on this 18th day of **February 2019**.

Motion: Louise Small Canyon

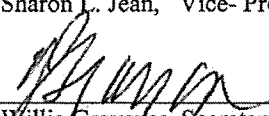
Seconded: Clara King



Hank Stevens, President



Sharon L. Jean, Vice- President



Willie Grayeyes, Secretary/Treasurer

REPORT

TO: Law and Order Committee, 24th Navajo Nation Council

FROM: Raven Attwood, Staff Attorney
Office of the Navajo Public Defender
P.O. Box 1186, Tuba City, Arizona 86045



Kathleen Bowman, Director
Office of the Navajo Public Defender
P.O. Box 3210, Window Rock, Arizona 86515

DATE: November 18, 2019

SUBJECT: **Information in Support of Legislation No. 0308-19; Funding Kayenta Judicial Complex Prepared for Law and Order Committee Special Meeting**

On behalf of the Office of the Navajo Public Defender (ONPD), we thank you for supporting the inclusion of a Public Defender office in the new Kayenta Judicial District Complex. The Public Defender is a necessary component to ensure the efficient, fair, and professional functioning of the criminal justice system. ONPD respectfully requests your support for Legislation No. 0308-19 to fund the Kayenta Judicial District Complex. The proposed professional building space including new offices for the Judicial Branch, the Office of the Prosecutor, and the Public Defender will improve the administration of justice for the Kayenta Judicial District.

I. Current Status of Public Defender Services in Kayenta Judicial District.

There is not presently a Public Defender office in the Kayenta Judicial District. Kayenta is currently served by the Public Defender office in Tuba City, Arizona, which also represents clients in the Tuba City and Dilkon judicial districts. The Public Defender handles criminal and juvenile delinquency cases upon appointment by the District and Family Courts.

The Tuba City ONPD currently has one attorney, one senior court advocate, and a legal secretary. The Tuba City ONPD Office is incorporated into the Tuba City Justice Complex, which has facilitated good working relationship and communication between the Public Defender and the other partners in the Tuba City criminal and juvenile justice systems.

Relative case loads of each district:

The case load of Public Defender appointments out of the Kayenta Judicial District was higher than for the Tuba City Judicial District in FY 2019.

Appointments	Tuba City District		Kayenta District	
	Adult	Juvenile	Adult	Juvenile
FY 2018 Total	277	9	158	3
FY 2018 Q1	25	1	38	0

FY 2018 Q2	110	2	45	2
FY 2018 Q3	101	4	42	1
FY 2018 Q4	41	2	33	0
FY 2019 Total	126	4	141	2
FY 2019 Q1	20	3	45	1
FY 2019 Q2	32	1	41	0
FY 2019 Q3	53	0	28	0
FY 2019 Q4	21	0	27	1

Current challenges to representation of clients in the Kayenta Judicial District:

1. Travel time: In order to serve Kayenta clients, Public Defenders must travel over an hour each way to Kayenta from Tuba City for court hearings, for witness interviews, and to meet with clients held in the Kayenta Department of Corrections Adult Detention Center. Likewise, our clients, who often lack safe means of transportation, must travel to Tuba City in order to meet with us in the privacy of an office setting.

2. Confidentiality/Privacy

The current Judicial facility in Kayenta lacks any client meeting rooms. As a result, there is no private space for Public Defenders, or any other counsel, to meet with clients for private conversations at the courthouse. This often results in having to conduct attorney-client meetings and sometimes witness interviews in a cramped waiting room, outdoors, or in a motor vehicle.

II. Goals for ONPD with availability of new office space in Kayenta facility

The enactment of Legislation No. 0308-19 will provide the funding necessary to build the proposed Kayenta Judicial District Complex, including a new Public Defender office which will be able to serve not only Kayenta, but neighboring districts as well as needed.

Because request for appointment of counsel is a voluntary process and cases in which counsel is appointed represented a subset of all the criminal cases in a judicial district, the demand for public defender services tends to rise as prosecutorial staffing and complaints filed by the Office of the Prosecutor rise. The Public Defender therefore anticipates demand for defender services in the Kayenta Judicial District will rise with the increased staffing of the Kayenta District Office of the Prosecutor.

ONPD is in the process of evaluating and reorganizing its offices to better balance caseloads between existing offices, and intends to request the addition of staff positions for the Kayenta office for FY21. The new office space will accommodate the addition of an attorney, a legal secretary, and possibly either a legal advocate or an investigator. Responsibility for Dził Yijiin and/or Chinle Judicial Districts may be shifted from the Window Rock office to the Kayenta office in order to reduce overall travel time by Public Defender attorneys and advocates and thereby improve their productivity and ability to serve ONPD clients.

New cases opened for the four existing ONPD offices for the 2nd-4th quarters of FY19:

Offices & current defender staffing	Window Rock (2 attorneys, incl. Director, 1 advocate on extended medical leave, 1 vacant attorney position)		Tuba City (1 defender & 1 advocate)		Shiprock (1 Advocate)		Crownpoint (1 attorney)	
Judicial Districts Served	Window Rock, Chinle, Dził Yijiin		Tuba City, Kayenta, Dilkon,		Shiprock, Aneth		Crownpoint, Ramah, Alamo/Tó'hajiilee	
	Criminal	Juvenile	Criminal	Juvenile	Criminal	Juvenile	Criminal	Juvenile
Q2 FY19	77	1	94	1	10	9	72	4
Q3 FY19	136	4	96	0	26	1	74	6
Q4 FY19	110	4	56	1	31	4	102	2
Quarterly Average of new cases per defender	27.66 (if fully staffed) 55.33 (at current staff level)		41.33		27		86.66	

The enactment of Legislation No. 0308-19 will provide funding necessary to modernize the Kayenta Judicial District Complex. The proposed new office spaces for the court's criminal justice partners, as well as the meeting rooms, staffing, and court spaces, are needed to meet the demands of the growing community in the Kayenta Judicial District. Inclusion of needed facilities for the Public Defender and Office of the Prosecutor will improve the smooth working of the criminal and juvenile justice systems in a balanced manner which does not neglect one component of the system in favor of another, and will aid in maintaining *k'é* between the government agencies representing the Navajo Nation and the Navajo people in Kayenta's criminal justice system.

III. Highlights of the new ONPD office in the proposed Kayenta Judicial District Complex:

1. Safe access for both staff and clients/visitors to the Public Defender office, including a conference room for meeting with clients and witnesses, a separate staff door, a customer service window for security of the secretarial staff, and a small waiting area.
2. Office space for an attorney and an advocate or investigator, and sufficient storage space for files and supplies.
3. Inclusion of a shower in the staff restroom, which will promote safety and wellness by permitting staff to utilize it after exercise, and to ensure the ability of staff to present a professional appearance at times when it is necessary for a defender to make a long commute, travel from another office to cover an absence, or when weather or late work makes a long drive home unsafe. There is no Navajo Nation employee housing available in Kayenta. A similar proposal for the judges' restroom is also strongly supported by the ONPD, for similar reasons.

4. Modern programmable locks that will ensure the ability of ONPD to maintain appropriate security of confidential and privileged files in a shared building.

Your support for funding the new facility is appreciated. Please feel free to contact Director Kathleen Bowman or Staff Attorney Raven Attwood if you have any questions or would like to discuss anything in this document in more detail.


THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

To: Law and Order Committee
 24th Navajo Nation Council

From: Megan Horning, Attorney
 Chandra Kinlacheeny, Legal Secretary
 Navajo Office of the Prosecutor, Kayenta District
 P.O. Box 1098; Kayenta, Arizona 86033
 Phone: (928) 697-5593 | Fax: (928) 697-5594



Jennifer Henry, Acting Chief Prosecutor
Navajo Office of the Prosecutor
P.O. Box 3779; Window Rock, AZ 86515
Phone: 928-871-6622 | Cell: 928-

Date: November 6, 2019

Re: Information in Support of Legislation No. 0308-19; Funding Kayenta Judicial Complex
 Prepared for Law and Order Committee Special Meeting – November 4, 2019

On behalf of the Kayenta Office of the Prosecutor we thank you for supporting our efforts to obtain funding to meet the needs of the Kayenta Prosecutor's Office and all of the criminal justice partners in the Kayenta District, and respectfully request that you support Legislation No. 0308-19 to fund the Kayenta Judicial District Complex. The Kayenta Prosecutor's Office is an essential component of an efficient, fair, safe, and professional criminal justice system in our community, and a safe professional building space will ensure that we can provide the best public service possible to our community members.

I. GOAL

The Kayenta District Prosecutor's Office is in need of a new, larger and modern workspace to accommodate its staff and high-volume caseload. By sharing space with its public safety partners – courts, public defenders, probation and parole services, and Peacemaking – we will be better able to provide for the comprehensive administration of justice in the Kayenta Community.

II. CURRENT STATUS OF OFFICE

Jurisdiction: The Kayenta Prosecutor's Office serves the people of the Navajo Nation by handling cases that arise within the Chilchinbeto, Dennehotso, Kayenta, Naatsis'aan, Oljato, Shonto, and Ts'ah Bii Kin Chapters. The Prosecutor's Office handles a criminal docket based upon evidence in reports received from the Navajo Nation Police, and a juvenile justice docket based upon

referrals by the Department of Family Services, local schools, the Navajo Police Department, and community members.

Staffing: The Kayenta Prosecutor's Office currently employs four full-time staff: one Records Clerk, one Legal Secretary, and two prosecutors. The Office of the Prosecutor has received USDOJ OVC Set-Aside funds and is developing a victim advocate program through which it will hire seven Victim Advocates, one of which will be stationed full-time in the Kayenta District Prosecutor's Office. Through a comprehensive restructuring of the Office of the Prosecutor, we have also secured FY20 General Funds for an additional full-time Prosecutor, while will likely be hired in Kayenta.

Therefore, with funding currently available, the Kayenta District Prosecutor's Office anticipates having six full-time staff by April 2020.

Building:

Location: The Kayenta Prosecutor's Office is currently housed in a double-wide trailer at milepost 393.9 on the east side of U.S. Highway 163, in Kayenta, Arizona. The Kayenta OTP office is located directly across from the current Kayenta Judicial District Court, the Probation and Parole Services Office, the Peacemaking Office, the Navajo Nation Police Department, and the Kayenta Department of Corrections. Being across the highway from all of the agencies we regularly collaborate with requires the Kayenta Prosecutors' staff to navigate across the busy 4-lane highway several times a day.

Size: The current Kayenta Prosecutor's Office is not large enough to house its staff and, at the same time, provide space for meeting with victims, witnesses and community members who come to our office to discuss cases.

Safety: The office is not secured to protect staff from violent intruders or other emergencies. The office is open to the public but has no physical barriers that prevent a person who enters with weapons or who intends to do harm from entering all parts of the office. The current office space does not have a sufficient number of safe exits for staff to escape in case of a fire, violent intruder or other emergency.

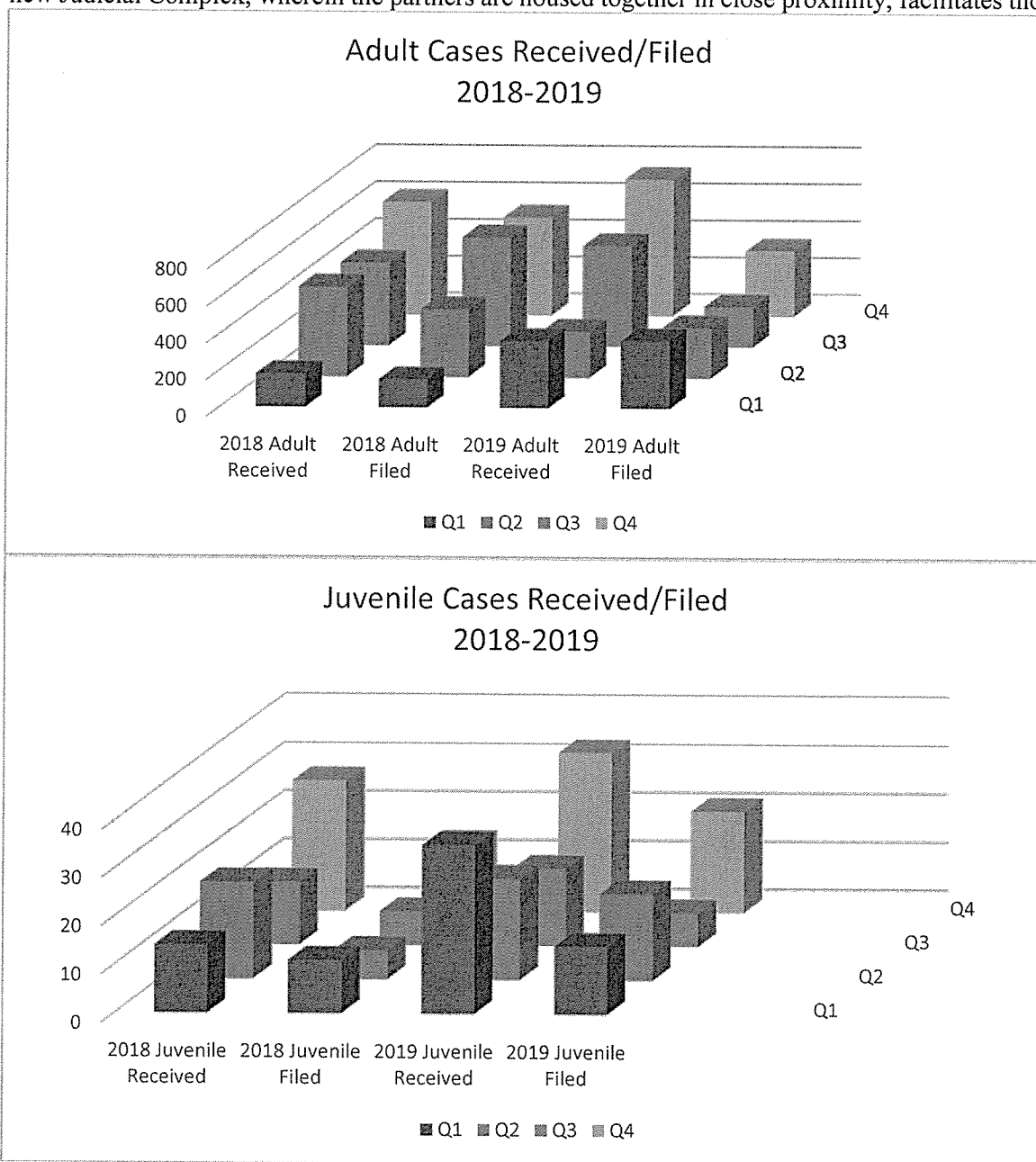
Confidentiality/Privacy: The interior of Kayenta Prosecutor's Office is only divided by office cubicle partitions and does not have walled offices with doors. The lack of floor-to-ceiling walled offices creates privacy issues for victims and witnesses reporting crimes and child abuse; those conversations can be heard everywhere else in the building. Further, the lack of walled offices distracts staff from desk work when phone calls or in-person conversations occur in the building.

Security and Storage: The Kayenta Prosecutor's Office currently stores open and closed case files in eleven 30"X18.25"X53.5" file cabinets. Additional cabinets will be added as the caseload increases, because files are retained and accessible at the district Prosecutors' offices for seven years until properly destroyed. Administrative files, computer equipment and other office supplies require sufficient secure storage space.

III. DISTRICT STATISTICS

The Kayenta Prosecutor's Office is receiving increasing numbers of criminal police incident reports and referrals for juvenile matters from all sources. In FY18 the office received 1,725 proposed complaints, of which 1,637 were filed in the Kayenta District Court. In FY19 the office received 1,898 proposed complaints, of which 1,215 were filed in the Kayenta District Court. In FY18 the office received 74 referrals regarding juvenile justice matters, of which 38 were filed in the Kayenta Family Court. In FY19 the office received 105 referrals regarding juvenile justice matters, of which 60 were filed in the Kayenta Family Court.

The caseload in the district is anticipated to continue rising, which necessitates not only more staff but also consistently better and more frequent communication between all of the community justice partners. The new Judicial Complex, wherein the partners are housed together in close proximity, facilitates those needs.



IV. NEW BUILDING NEEDS/GOALS

The Kayenta Prosecutor's Office needs to provide a safe environment for its staff and all those who visit the office for services, so that criminal and juvenile justice cases can be prepared and prosecuted in the safest, most efficient and most professional environment possible. Criminal prosecution and the adjudication of children's cases are essential and necessary components of public safety.

Our current building does not support the safety of staff and community members, will not accommodate any growth in staff, and not does allow confidential and private discussions about cases.

The new office space planned for the Prosecutor's Office within the Kayenta Judicial District Complex will provide District Prosecutor's Office with a safe working environment that will facilitate the professional handling of criminal and juvenile justice cases.

Essential aspects of the new office space in the proposed Kayenta Judicial District Complex:

- Safe access to the offices of our community justice partners such as the Kayenta District and Family Courts, Public Defender's office, Kayenta District Police station, Probation and Parole Services, Peacemaking, and the Department of Corrections. Safe and efficient access between partners bolsters relationships and communication between those departments/programs, which is inherently necessary for the administration of justice.
- Interior safety measures that prevent violent intruders from direct access to staff, and which allow staff to safely exit the building in the event of an emergency.
- Interior walled offices and work spaces that accommodate at least six staff.
- Safe and comfortable meeting spaces for victims and witnesses that promote privacy and confidentiality.
- Safe and secure storage space for all office files.

The enactment to of Legislation No. 0308-19 will provide the funding necessary to build the proposed Kayenta Judicial District Complex that will include a new office space for Kayenta District Prosecutor's Office as well as office and court spaces other Kayenta community criminal justice partners. This Complex will promote professionalism within each space as well as efficient and safe collaboration between Kayenta criminal justice partners.

As always, we appreciate your continued support. Please feel free to reach out to Jennifer Henry or Megan Horning if you have any questions or would like to discuss anything in this document in more detail.



EXHIBIT C

Judicial Branch of the Navajo Nation
KAYENTA JUDICIAL DISTRICT
JUDICIAL COMPLEX PROPOSAL
June 24, 2021

GENERAL INFORMATION

Judicial Branch of the Navajo Nation
Kayenta Judicial District
Post Office Box 2700
Kayenta, Arizona 86033
Telephone: (928) 697-5541
Telefax: (928) 697-5546

CONTACT PERSONS:

Honorable Letitia M. Stover, District/Family Court Judge
Lavonne K. Yazzie, Court Administrator

I. ABSTRACT

The State of Arizona has responsibility to keep its citizens safe and meet the needs of communities for construction of safe, modern, and improved judicial facilities.

II. INTRODUCTION

This purpose of this proposal is to obtain the necessary funding to construct a new 17,000 square foot Kayenta Judicial Complex that will adequately meet the service needs of the public and staff.

Because of the growth and economic development initiatives within our service area, there is a need to enhance, and expand the availability and delivery of judicial services to our residents. The Kayenta Judicial District covers approximately 2,439,395 acres with population over 19,240 residents.

In March 2001, the first Navajo Nation Criminal Justice Summit was conducted in Kayenta, Arizona to address the Intertribal Integration Justice Pilot Project. The project identified barriers experienced by the districts in relation to the nation's growing crime rate. Out of this, the Kayenta Criminal Justice Planning Committee comprised of the Kayenta Township, Kayenta Chapter, Kayenta Judicial District, and Public Safety personnel formed to address our local public safety and judicial facility needs with a four-phase master plan.

The group obtained updated Navajo Chapter and Kayenta Township Commission resolutions to accompany its approved Navajo Tribal Land Withdrawal Resolution (May 1980), Environmental assessment (April 2011), and Archaeological Survey (October 1988) clearance to support its efforts.

In 2005, the Kayenta Township secured Navajo Nation general funds for the design and engineering of the master plan's first two phases consisting of the Navajo Nation Corrections and Public Safety facilities. By 2007, the group succeeded in gaining BIA review and approval of the detention facility design.

In 2007, a one-stop shop Multi-Justice Center concept was adopted by the Navajo Nation Public Safety and Judicial Committee. Despite receiving a lower district priority placement, the Kayenta Township applied for and received the American Recovery and Reinvestment Act of 2009 funding for the construction ready project. The funding was accepted by the Navajo Nation on September 23, 2009. The new Department of Corrections and public safety facilities were opened on June 04, 2015.

The last two phases of the Kayenta master plan consisting of the judicial complex and juvenile detention remains.

III. NEED FOR THE PROJECT

The Kayenta Judicial District is experiencing rapid growth in northern Arizona and there is a critical need for a judicial complex that provides court, peacemaking, probation services, prosecutor, and public defender services.

The courthouse and criminal justice facilities are one of the most important civic spaces in any community. It is where the courts apply the law to specific controversies brought before them. They resolve disputes between people, companies and units of government.

The COVID-19 Pandemic has also caused our offices to address an influx of criminal cases, family violence and child abuse and neglect situations as family members are stuck in closer proximity with higher stress rates and lower financial resources due to the lack of jobs in the area. We have a heightened

concern and correlating heightened need to provide additional support and protection for victims whose abusers are no longer traveling for work and are stressed due to lack of income and homeschool children, etc. Not only did we conduct vital day-to-day work that cannot be delayed, but we were called on to resolve legal disputes arising from efforts to address the public health crisis.

Our justice partners faced significant challenges operating during the pandemic and will face essential critical infrastructure needs when re-establishing our post-pandemic operations. Current offices are located in aged modular facilities with the following:

- Kayenta Judicial District court is located in a 28 yr.-old 56 x 52 (2,192 sq.) modular building accommodating 12 district and family court staff. There is only one courtroom for the entire district with no jury deliberation room or space for attorneys to meet with clients. There is no inmate holding areas for adults and juveniles. The lack of separate areas makes it necessary to mix adult and juvenile case parties.

The acoustics in the courtroom is poor that people entering and walking within the building interrupts the court's audio recordings. Seven court clerks and bailiffs share a 20 x 20 office, with an unforgiving 5 x 6 workspaces.

The court will face essential critical infrastructure needs when re-establishing its post-pandemic operations. The court's biggest obstacle is the physical space required for social distancing, making this difficult for our single courtroom and lobby. The 30 seat capacity courtroom will be limited to 8 people. There are no overflow rooms for the public to see or hear courtroom proceedings, and extra space for witnesses and jury deliberation.

Security is still a primary concern to ensure that during the pandemic, social distancing is maintained, especially in a 16 x18 lobby area that will be reduced to accommodate only 5 people.

In 2013, the court building was closed for nearly a year in due to dangerous mold and unknown toxic vapors. Despite remediation, there could be a lingering health risk consideration due to poor air ventilation in courtroom and offices. Opening windows and using air cleaners can provide temporary alternatives. But, opening window during Kayenta's notorious wind storms will not be an option.

- Kayenta Probation and Peacemaking Services is located in a 25-year old modular building formerly used as office space by Criminal Investigations. The modular building has had some years of use and could not function as long term offices. The condition and age of the modular building is not adequate for long term use of providing direct services to users. This makes it difficult to be in compliance with CDC guidelines for safety measures to adequately mitigate COVID19 virus.

Program staff use a common meeting area to meet with Probation clients and to conduct peacemaking sessions, this is not adequate for a proper meaningful sessions and privacy. Heating and cooling takes time for repairs and if they shut off for service, there is no proper ventilation.

- The Kayenta Office of the Prosecutor is in desperate need of a safe facility with adequate office space for our staff. They are currently in a donated two-room modular building with no separated office spaces and no barriers to protect against the spread of Covid-19 in the air. They do not have adequate desk and office space for six staff and have some staff continuing to work at home to ensure social distancing. Further, the office space is loud due to the lack of walls and our busy court and phone responsibilities.

Given this large number of new staff, the bustling caseload and daily responsibilities to serving the public's immediate safety needs, we very much need an office space with physical wall divisions, non-porous flooring, and proper ventilation that with both protect against the spread of communicable air born disease, create quiet working space conducive to efficient work and confidentiality of cases. Additionally, since court hearings are now telephonic, we have a heightened need for separate quiet spaces where one prosecutor can conduct hearings without disturbing the remaining staff.

Office space is needed with heightened protections against unsafe members of the public as the nature of our work puts us in danger of retaliation. The proposed new office space would significantly reduce the concern for staff's health and would staff to work more efficiently, safely, and quietly while strengthening the ways to protect the confidentiality of our cases.

- The Office of Public Defender has no office building in Kayenta, AZ. In order to serve Kayenta clients, staff must travel over an hour each way for court hearings, witness interviews and to meet with clients. Due to the lack of client meeting rooms at the court, there is no private space for public defenders to conduct attorney-client meetings. Witness interviews

are at times held in the court's small lobby, outdoors or in a motor vehicle. The Kayenta Judicial District has a high case referral to the Office of Public Defender.

Judicial Branch reports show that Kayenta District has the highest number of criminal cases filed in FY2020 and into the first two quarters of FY2021 during the pandemic. Family Court probate, domestic violence and ABBA dependency cases increased during to the ongoing pandemic. Kayenta Peacemaking cases contribute to about 15-20% of overall program cases. Our district statistics lend support to the productive and accelerated work conducted our district justice agencies to justify a new and safe facility for our community.

IV. PROJECT MISSION

Funding for a new criminal justice complex will provide a safe environment for staff and citizens within our communities. Judicial matters are essential and necessary components to any public safety component of the community.

V. PROJECT GOAL

The Kayenta Judicial District provides judicial, peacemaking, probation, prosecutorial and public defender services to Navajo communities of Kayenta, AZ, Chilchinbeto, AZ, Dennehotso, AZ, Naatsis'áán, UT, Ts'ah Bii Kin, AZ, Oljato, UT, Shonto, AZ and thousands of in and out of state visitors.

The goal is to restore and strengthen the criminal justice system despite the decriminalization of many offenses by providing treatment and support services to offenders, victims, and their families to reduce recidivism while ensuring judicial functions with full access to the public.

VI. PROJECT OBJECTIVE

The objective of the Kayenta Judicial Complex project is to establish a public judicial facility that will accommodate the judicial program personnel and bring about a safe and permanent building that will enhance the integrity of the Navajo Nation justice services, promote a sense of security and accomplish Navajo Department of Health and Occupational Safety & Health Administration health standards.

VII. SCOPE OF WORK

All Land withdrawals, FONSI, EA and AA reports are complete for the 21.22 acre Kayenta Judicial and Public Safety site. All infrastructures are onsite with the construction of the Kayenta Correction and Public Safety buildings.

The intent of this work plan is to implement the architectural and engineering design to construct a 17,000 square feet judicial complex that includes landscaping and sufficient space for parking area. The architect and design will meet national and Kayenta Township building code specification standards. Phase I will include the planning, designing, bidding and awarding of the project. Phase II will include the construction of the facility. Phase III will include program, equipment, and furnishing of the building.

VIII. IMPLEMENTATION

Upon completion of architect and building blue print design, a request for proposal for construction will be issued. After the construction contract is awarded, a work plan will be developed. A construction work sheet that will identify; what all needs to be done, when it needs to be done, who is responsible, and so forth. The construction will be inspected by the Navajo Nation Design and Engineering Services, Kayenta Township, and other required sources for compliance.

IX. ESTIMATED TIME FRAME

The estimated time frame to complete the architectural design is 6 months after the contract is approved. The time frame for the construction is one year after the construction contract is approved.

X. FUNDING

The Navajo Nation Judicial/Public Safety Facilities Fund Priority List for Fiscal Years 2021 and 2022 identified the Kayenta Judicial District as priority #3 for public safety and judicial facility funding.

The Kayenta Township Commission approved Resolution of the Kayenta Township Commission No: KTCAU-38-18; Approving a Grant to the Navajo Nation Judicial Branch as Matching Funds for Construction of a Kayenta Judicial Complex to appropriate \$650,000.00 and an additional in-kind contribution of \$247,771.55, for a total of \$897,771.55 contributed by the Kayenta Township Commission.

The district is seeking the Law and Order Committee of the Navajo Nation legislation for a \$13,215,000 appropriation for the construction of the Kayenta Judicial Complex.

In addition, the district was pursuing match funding from the State of Arizona. The Kayenta Judicial Complex funding was listed #3 on former Arizona Representative Arlando Teller's Arizona Proposed Legislation for the 2020 second regular session for a \$2.5 million appropriation. Unfortunately, legislations ceased for the year because of the Covid-19 pandemic and our funding was not addressed. Our district had a meeting with the new Arizona Representative Jasmine Blackwater-Nygren on March 17, 2021 to apprise her office of our continued need and support. Therefore, we are renewing our appropriation request from the State of Arizona for match funding of \$3 million.

The district pursued funding from the Utah Navajo Trust Fund (UNTF), however, since the physical location of the complex will be in the State of Arizona, UNTF is unable to provide match funding.

XI. MAINTENANCE AND OPERATION

In December 2012, the Kayenta Judicial District met with Navajo Area Bureau of Indian Affairs Regional Office - Operations representatives regarding technical assistance for operation and maintenance of new buildings. The BIA accepted our district report for future funding opportunity.

On behalf of the Kayenta Judicial District, we thank the State of Arizona Legislature and Senate for supporting our efforts to obtain funding to meet the needs and desires of Northern Arizona residents.



October 2, 2020

Gabriel Yazzie, Town Manager
Kayenta Township
P.O. Box 1490
Kayenta, AZ 86033

RE: Kayenta Judicial Court Facility Design
Final Construction Documents

Dear Mr. Yazzie:

Per completion of the 100% Construction Documents dated August 20, 2020 by our design team, the documents are not sealed with professional stamps on the basis that construction is not immediate due to lack of funding. The Construction Documents consist of drawings and project specifications.

Once Kayenta Township is prepared to bid the project to general contractors for construction, and construction dollars are in place for the project, we will stamp and date the documents accordingly. In addition, the boilerplate documents related to the requirements for bidding will similarly be completed and submitted to Kayenta Township.

Please be assured that the completed documents to date are indeed complete and ready to be bid. We appreciate your understanding and stand ready to assist you and Kayenta Township accordingly. You may contact me should you have questions or comments.

Sincerely,

Dyron V. Murphy, AIA, NCARB
Principal

dmurphy@dm-architects.com

KAYENTA JUDICIAL COURT FACILITY

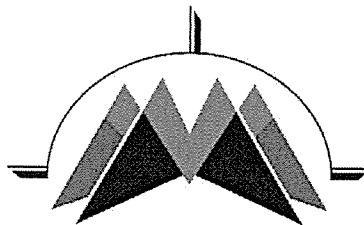
KAYENTA, ARIZONA

PROJECT MANUAL

90% CONSTRUCTION DOCUMENTS

June 19, 2020

DMA PROJECT No. 2019.10



DYRON MURPHY ARCHITECTS, P.C.
4505 Montbel Place NE
Albuquerque, New Mexico 87107

(505) 830-0203 phone
(505) 830-0237 fax
www.dm-architects.com

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END OF SECTION

**SECTION 01 1000
SUMMARY**

PART 1 GENERAL

1.01 PROJECT

- A. Project Name: Kayenta Judicial Court Facility
- B. Owner's Name: Kayenta Township / Navajo Nation.
- C. Architect's Name: Dyron Murphy Architects. P.C..
- D. The Project consists of the construction of the Kayenta Judicial Court Facility and associated site development. .

1.02 CONTRACT DESCRIPTION

- A. Contract Type: A single prime contract based on a Stipulated Price as described in the Contractual Documents.

1.03 OWNER OCCUPANCY

- A. Owner intends to occupy the Project upon Substantial Completion.
- B. Cooperate with Owner to minimize conflict and to facilitate Owner's operations.
- C. Schedule the Work to accommodate Owner occupancy.

1.04 CONTRACTOR USE OF SITE AND PREMISES

- A. Provide access to and from site as required by law and by Owner:
 - 1. Emergency Building Exits During Construction: Keep all exits required by code open during construction period; provide temporary exit signs if exit routes are temporarily altered.
 - 2. Do not obstruct roadways, sidewalks, or other public ways without permit.
- B. Utility Outages and Shutdown:
 - 1. Do not disrupt or shut down life safety systems, including but not limited to fire sprinklers and fire alarm system, without 7 days notice to Owner and authorities having jurisdiction.
 - 2. Any utility disruption to adjacent buildings should be coordinated with owner and providing a minimum of 15 days advance notice.
 - 3. Prevent accidental disruption of utility services to other facilities.

END OF SECTION

SECTION 01 2000
PRICE AND PAYMENT PROCEDURES

PART 1 GENERAL

1.01 SECTION INCLUDES

- A. Procedures for preparation and submittal of applications for progress payments.
- B. Documentation of changes in Contract Sum and Contract Time.
- C. Change procedures.
- D. Correlation of Contractor submittals based on changes.
- E. Procedures for preparation and submittal of application for final payment.

1.02 SCHEDULE OF VALUES

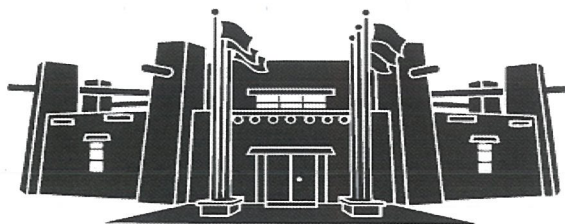
- A. Electronic media printout including equivalent information will be considered in lieu of standard form specified; submit draft to Architect for approval.
- B. Forms filled out by hand will not be accepted.
- C. Submit Schedule of Values in duplicate within 15 days after date of Owner-Contractor Agreement.
- D. Format: Utilize the Table of Contents of this Project Manual. Identify each line item with number and title of the specification section. Identify site mobilization.
- E. Revise schedule to list approved Change Orders, with each Application For Payment.

1.03 APPLICATIONS FOR PROGRESS PAYMENTS

- A. Payment Period: Submit at intervals stipulated in the Agreement.
- B. Electronic media printout including equivalent information will be considered in lieu of standard form specified; submit sample to Architect for approval.
- C. Forms filled out by hand will not be accepted.
- D. For each item, provide a column for listing each of the following:
 - 1. Item Number.
 - 2. Description of work.
 - 3. Scheduled Values.
 - 4. Previous Applications.
 - 5. Work in Place and Stored Materials under this Application.
 - 6. Authorized Change Orders.
 - 7. Total Completed and Stored to Date of Application.
 - 8. Percentage of Completion.
 - 9. Balance to Finish.
 - 10. Retainage.
- E. Execute certification by signature of authorized officer.
- F. Submit one electronic and FOUR hard-copies of each Application for Payment.
- G. Include the following with the application:
 - 1. Transmittal letter as specified for submittals in Section 01 3000.
 - 2. Construction progress schedule, revised and current as specified in Section 01 3000.
 - 3. Current construction photographs specified in Section 01 3000.
 - 4. Partial release of liens from major subcontractors and vendors.
- H. When Architect requires substantiating information, submit data justifying dollar amounts in question. Provide one copy of data with cover letter for each copy of submittal. Show application number and date, and line item by number and description.


1.04 MODIFICATION PROCEDURES

- A. For minor changes not involving an adjustment to the Contract Sum or Contract Time, Architect will issue instructions directly to Contractor.



MEMORANDUM

To: Hon. Nathaniel Brown, Member
Budget and Finance Committee
24th Navajo Nation Council

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

Date: March 29, 2022

Subject: **AN ACT RELATING TO THE LAW AND ORDER, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION COUNCIL; APPROVING \$13,215,000 FROM THE SÍHASIN FUND FOR THE COMPLETION OF THE KAYENTA JUDICIAL COMPLEX; APPROVING THE RELATED EXPENDITURE PLAN PURSUANT TO 12 N.N.C. §2501 – §2508**

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

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

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

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

Thank you for your cooperation.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0065-22_

SPONSOR: Nathaniel Brown

TITLE: An Act Relating to the Law and Order, Budget and Finance, and Naabik'iyáti' Committees, and to the Navajo Nation Council; Approving \$13,215,000 from the Síhasin Fund for the Completion of the Kayenta Judicial Complex; Approving the Related Expenditure Plan Pursuant to 12 N.N.C. § 2501 - § 2508

Date posted: March 30, 2022 at 6:38PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*