LEGISLATIVE SUMMARY SHEET
Tracking No. 0130-19

DATE: May 24, 2019

AN ACTION RELATING TO THE LAW AND ORDER, BUDGET AND FINANCE, NAABIK'ÍYÁTI' COMMITTEES, AND NAVAJO NATION COUNCIL; APPROVING AND ADOPTING THE SÍHASIN DILKON JUSTICE CENTER FUND EXPENDITURE PLAN PURSUANT 12 N.N.C §§ 2501 – 2508

PURPOSE: Approving and adopting the Sihasin Dilkon Justice Center Fund Expenditure Plan.

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

5-DAY BILL HOLD PERIOD: [illegible]
Website Posting Time/Date: 5:46pm 5-24-19
Posting End Date: 5-29-19
Eligible for Action: 5-30-19

Law & Order Committee
Thence
Health Education & Human Services Committee
Thence
Resources & Development Committee
Thence
Budget & Finance Committee
Thence
Naa'bik'íyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL – First Year, 2019

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0130-19

AN ACTION

RELATING TO THE LAW AND ORDER, BUDGET AND FINANCE, NAABIK'ÍYÁTI' COMMITTEES, AND NAVAJO NATION COUNCIL; APPROVING AND ADOPTING THE SÍHASIN DILKON JUSTICE CENTER FUND EXPENDITURE PLAN PURSUANT 12 N.N.C §§ 2501 – 2508

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 Law and Order Committee of the Navajo Nation Council is empowered to serve as the oversight authority for the Division of Public Safety and the Judicial Branch Navajo Nation. 2 N.N.C. §§ 600 (C)(6).

D. The Budget and Finance Committee of the Navajo Nation Council is empowered 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).

E. The Naabik'íyáti' Committee established the Naabik'íyáti' Síhasin Fund Subcommittee to recommend to the Naabik'íyáti' Committee and Navajo Nation Council financial support and/or financing plan(s) for the purposes designated in the Síhasin Fund. NABIAP-20-15. However, approval by the Naabik'íyáti' Síhasin Fund Subcommittee is not a requirement for legislation.

F. The Navajo Nation Code provides the purpose of the Navajo Nation Síhasin Fund ("Síhasin Fund") is as follows:

§ 2502 Purpose

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

1. The planning and development of economic development and regional infrastructure supporting economic development 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. Education opportunities for members of the Navajo Nation.

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

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

12 N.N.C. § 2502, as amended by CJA-03-18.

G. The Síhasin Fund provides that "Fund Principal" shall consist of all deposits made to the Síhasin Fund and that "Fund Income" shall consist of all earnings (interest, dividends, etc.) generated and realized by the Fund Principal, and that Fund Income

shall be deposited in and added to Fund Principal until such time as a Fund Expenditure Plan is duly adopted. 12 N.N.C. §§ 2504 and 2505 (C).

Section Two. Findings

A. The Dilkon Justice Center Plan is detailed in **Exhibits A and B**.

B. As set forth in **Exhibit A**, 10 acres of land was set aside for a medium district public safety center. Phase one of the Dilkon Justice Center was completed in 2009. Phase 2 of the Dilkon Justice Center will include a police station and corrections facility.

C. A budget summary and detailed budget and justification are provided in **Exhibit B**.

D. The Dilkon Chapter of the Navajo Nation through Resolution No. DIL-2019-02-130, at **Exhibit C**, has approved the Expenditure Plan for the Dilkon Justice Center Project.

Section Three. Approval and Adoption of Expenditure Plan

A. The Navajo Nation hereby approves and adopts the Dilkon Justice Center Expenditure Plan, attached and incorporated herein as **Exhibits A and B**.

B. The Navajo Nation hereby approves and adopts funding to Dilkon Chapter for thirty-two million, nine hundred eighty-two thousand, thirty dollars ($32,982,030.00).

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

Section Four. Approval and Adoption of Expenditure Plan Administration

The Navajo Nation hereby approves administration of the Dilkon Justice Center Expenditure Plan as follows:

1. The Navajo Nation Controller shall determine whether the source of the annual allocations from the total allocation of $32,982,030.00 will be Síhasin Fund Principal or Income or a combination of both;
2. The funding for the Dilkon Justice Center shall be distributed by the end of the first quarter of the Navajo Nation Fiscal Year;
3. The funds allocated for the Dilkon Justice Center Expenditure Plan shall be used solely to design, plan, and construct the Dilkon Justice Center described in **Exhibits A and B.** Any and all cost-savings shall be returned to the to the Síhasin Fund once the Dilkon Justice Center is completed; and
4. The funds allocated for the Dilkon Justice Center Expenditure Plan shall not lapse on an annual basis pursuant to 12 N.N.C. §820 (N), however, any funds not spent or encumbered within twenty-four (24) months of the date funds are made available to Dilkon Chapter shall revert to the Síhasin Fund principal, unless recommended otherwise by the Resources and Development Committee and approved by the Naabik'íyáti' Committee.

Section Five. Effective Date

The Dilkon Justice Center Expenditure Plan, as set forth above, shall become effective pursuant to 12 N.N.C. § 2505.

Section Six. Directives

Dilkon Chapter and Department of Public Safety shall report the status of the Dilkon Justice Center to the Naabik'íyáti' Committee on a quarterly basis.

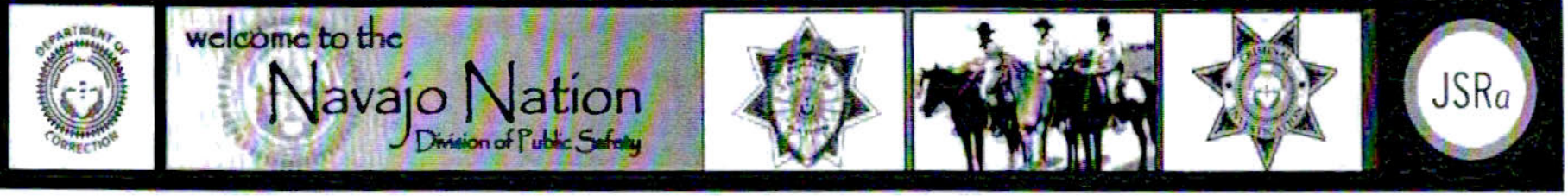
EXHIBIT

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A

History

- 10 acres of the Community Development Plan set aside 10 acres for a Medium District Public Safety Center – 1970's

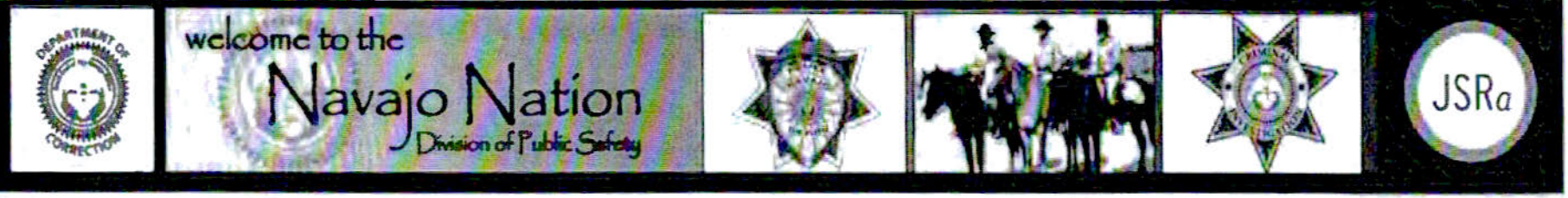


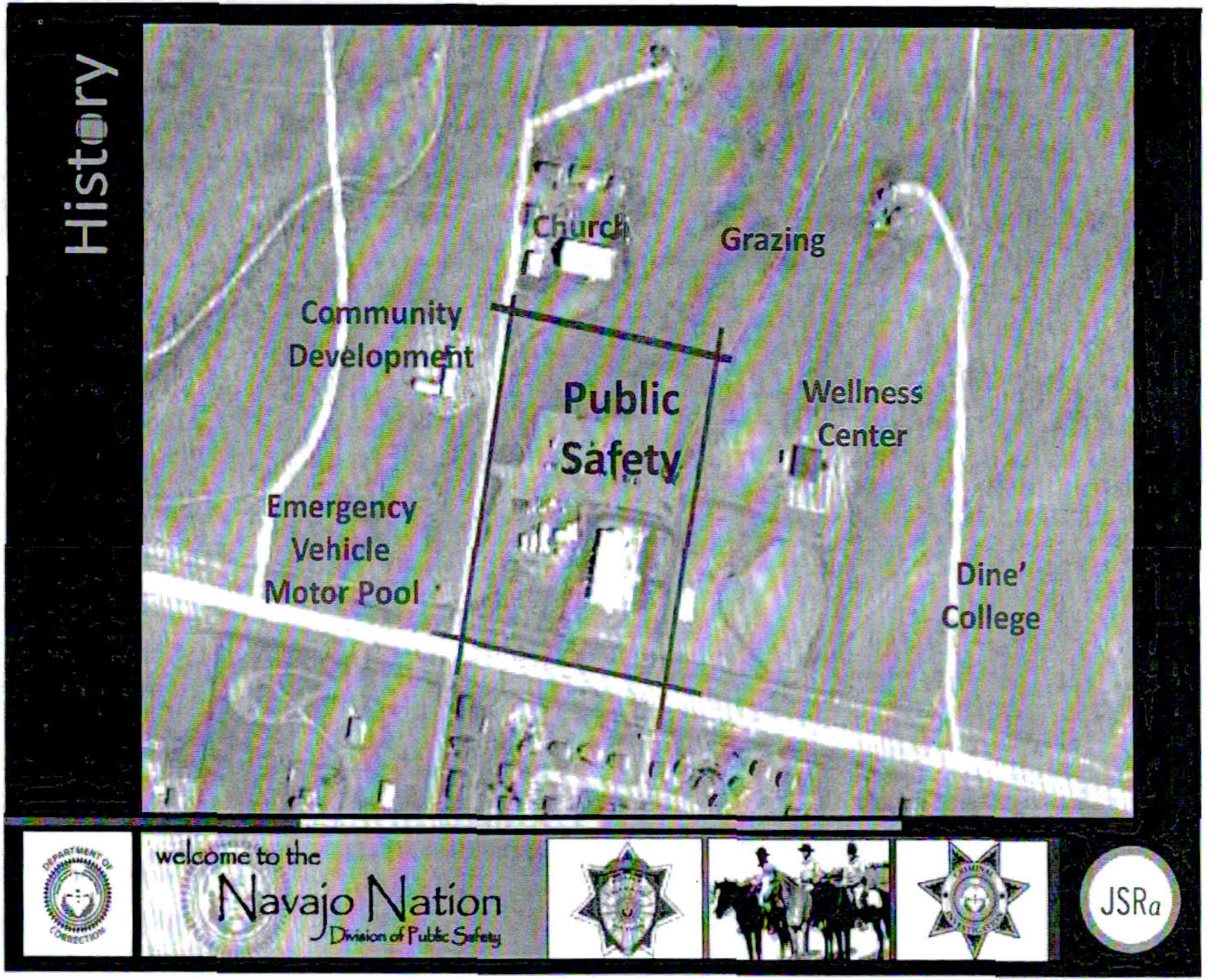
History

- The Navajo Nation is in the process of expanding Public Safety Facilities throughout the Nation. In about 2008, the Nation commissioned a District Judicial / Public Safety Facilities Master Plan that identified the need for Police Stations, Courts, Peacemaking, Detention and Corrections Facilities. That Master Plan identified a need for Large, Medium and Small District Judicial / Public Safety Centers throughout the Nation. A new Master Plan is currently underway.

- The Dilkon District is identified as a Medium District Judicial / Public Safety Center according to the Master Plan.

- In 2008, the Judicial Branch was able to secure funding for the **Phase 1**-Dilkon District Court Facility, which was designed, constructed and began operations in 2009. The 10-acre site dedicated for the Dilkon Judicial / Public Safety Center is the site of the District Court and was planned so that the Police Station and Corrections Facilities can become the envisioned Medium District Judicial / Public Safety Center.

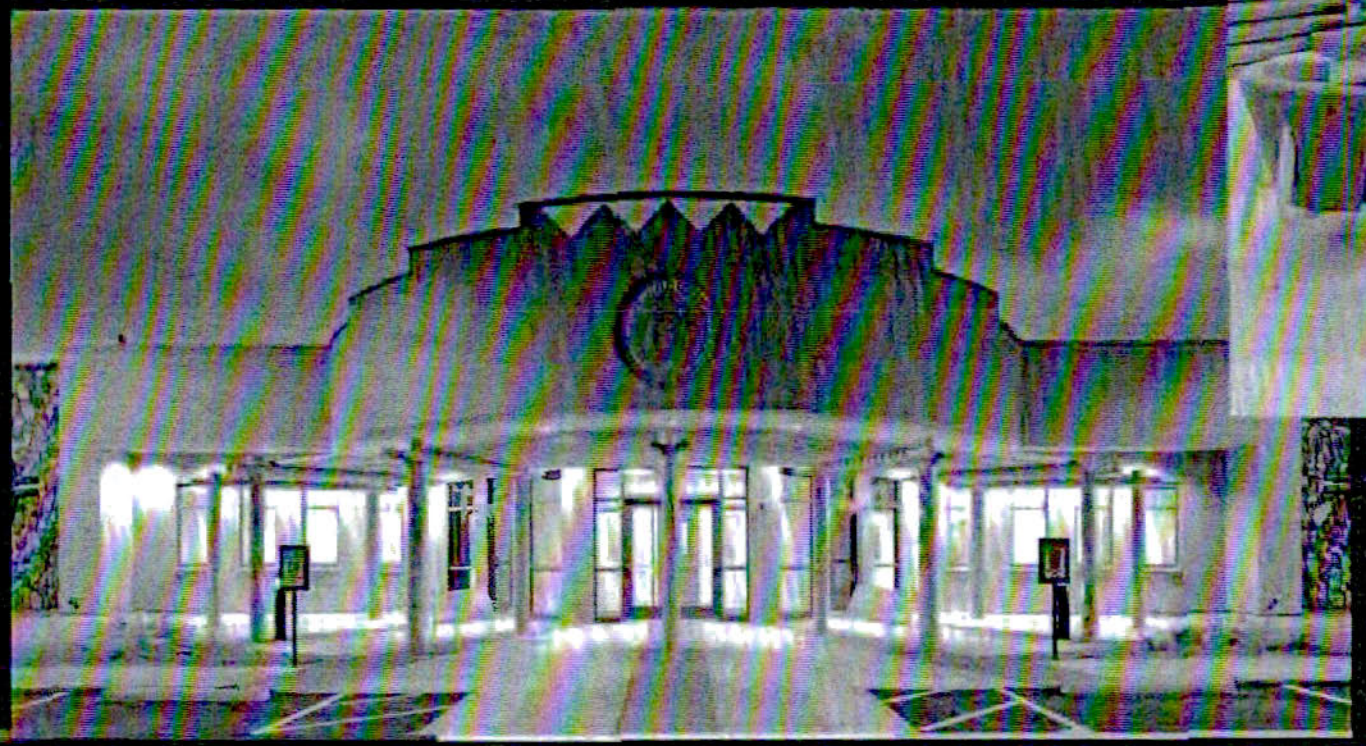



History
Church
Grazing
Community Development
Public Safety
Wellness Center
Emergency Vehicle Motor Pool
Dine' College
welcome to the
Navajo Nation
Division of Public Safety
JSRa

History

- Judicial Branch secured funding for a Multi-Purpose Court Facility in 2008
- The Dilkon District Court, Phase 1 opened in 2009!





welcome to the Navajo Nation Division of Public Safety

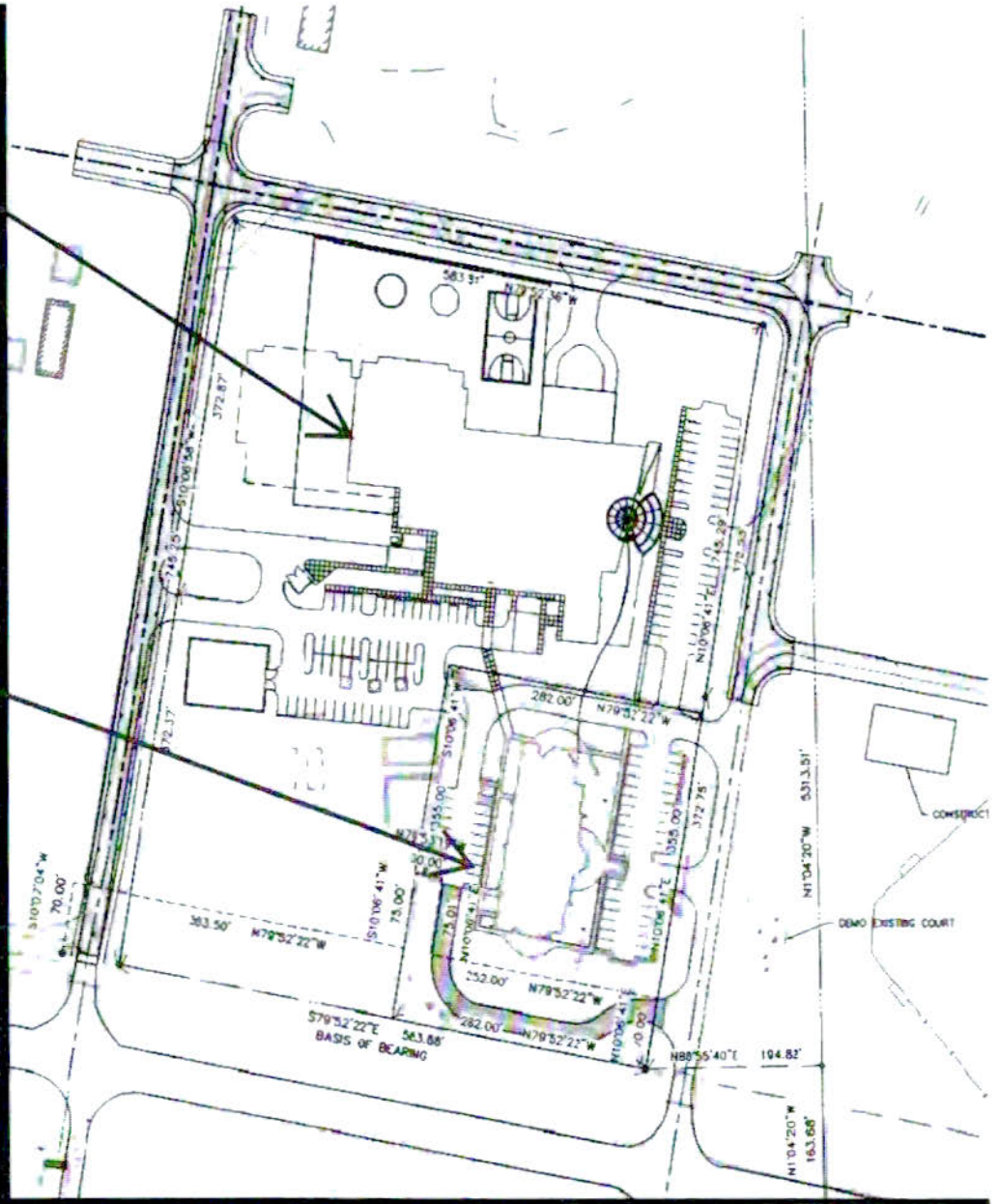


JSRa

Current Status

Dilkon Justice Center, Phase 2 is ready for construction.

Dilkon Courts, Phase 1 completed in 2009.



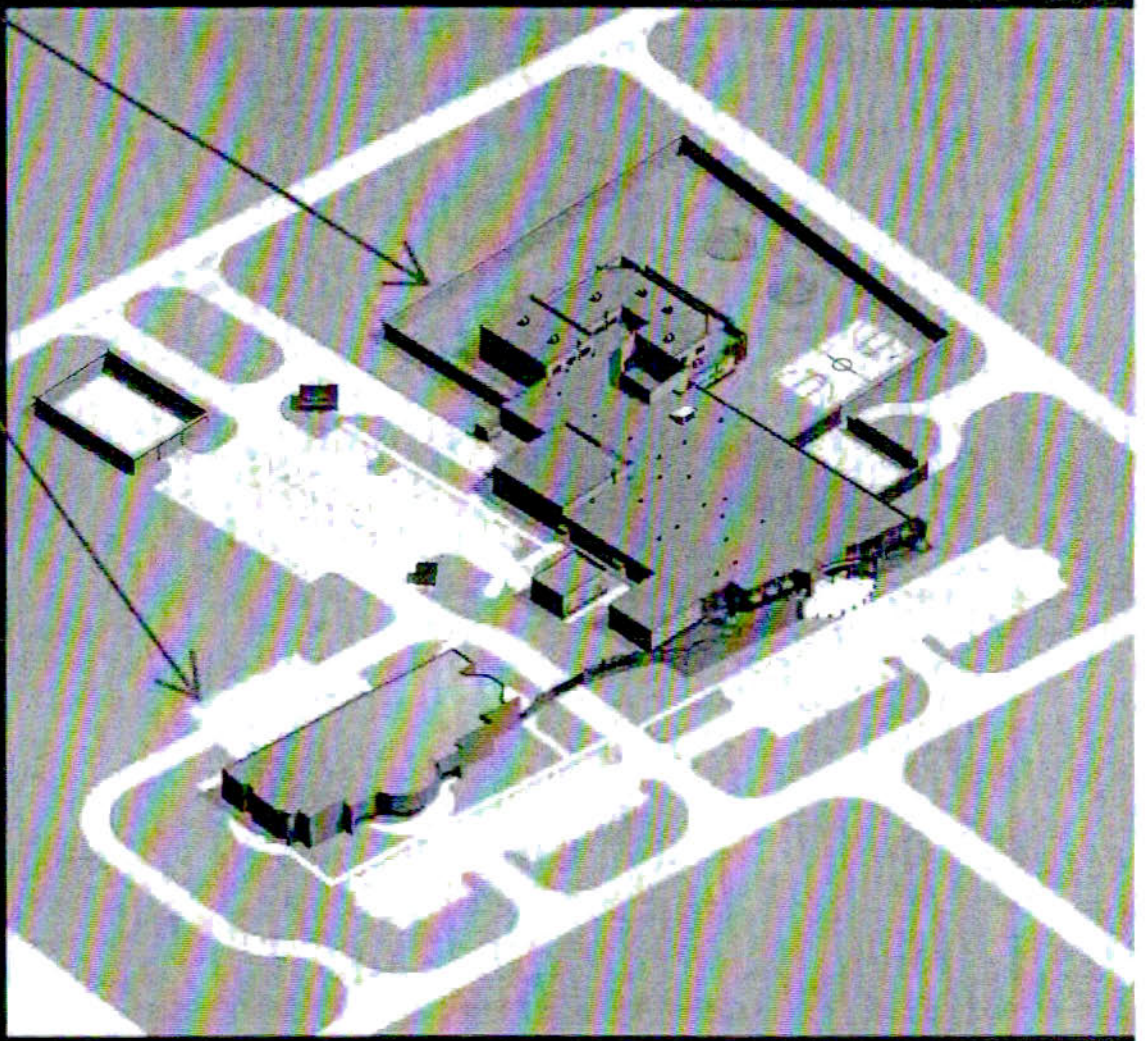
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Current Status

New Dilkon Justice Center, Phase 2.

Existing Dilkon Court Building, Phase 1



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Current Status

welcome to the Navajo Nation
Division of Public Safety

JSRa

Current Status

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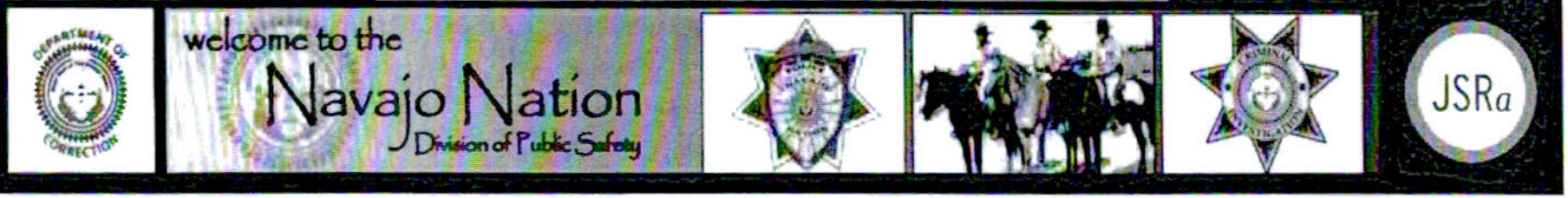
Current Status

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Division of Public Safety

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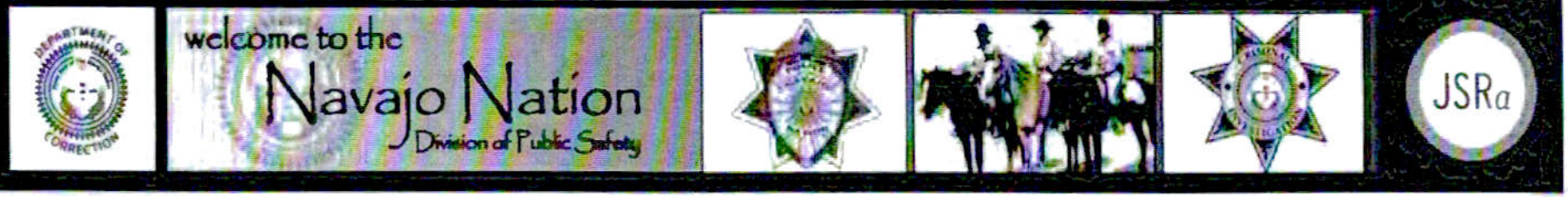
Current Status

- Construction is on hold, pending additional funding



Proposed Project Schedule

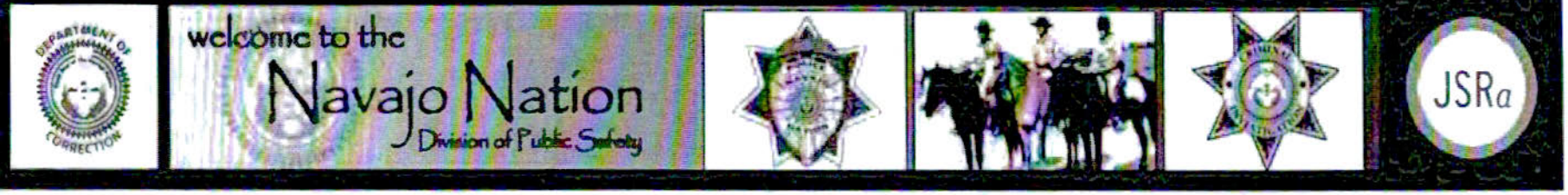
- To move the project forward ASAP, funding is the KEY!
- After funding is completed:
  - Select a CMAR to collaborate with A-E / Owner
  - Establish a Guaranteed Maximum Price (GMP) for the Site Infrastructure / Building Pad, then after approval build it
  - Establish a GMP for the construction ready Building, then after approval build it



Request

1. Request placement of the Dilkon Justice Center, Phase 2 at the top of the Priority List for Public Safety Facilities

2. Request funding for construction and equipping of the facility, Immediately



Dilkon Justice Center, Phase 2



welcome to the
Navajo Nation
Division of Public Safety



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JOHNSON SMITTHIPONG & ROSAMOND ASSOCIATES, INC.
5210 E Williams Circle, Suite 600 ▪ Tucson, AZ 85711 ▪ v:520.547.7904 ▪ f:520.547.7905 ▪ www.jsrarchinc.com

March 13, 2017

Delores Greyeyes
Navajo Nation Department of Corrections
Division of Public Safety
P.O. Box 3360
Window Rock, AZ 86515

Re: Dilkon Justice Center, Phase 2
Architectural / Engineering Services
Contract Number- CO9415

Ms. Greyeyes,

We are happy to report that the Construction Documents are complete for the Dilkon Justice Center, Phase 2. Plan check reviews have been accomplished by all applicable agencies, and apart from the finalization of the elevated water storage tank, building permits can be issued. Accordingly, the project is *ready-for-construction*, as soon as funding becomes available.

If you have any questions, please don't hesitate to contact me at (520) 547-7904 or via email at vrosamond@jsrarchinc.com.

Vernon Rosamond, AIA, ACHA, LEED AP
Vice President



Dilkon Police & Corrections Facility

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Dilkon Police & Corrections Facility

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EXHIBIT
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B

FY 2019

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

BUDGET FORM 1

PART I. Business Unit No.: NEW Program Title: DILKON JUSTICE CENTER Division/Branch: Public Safety

Prepared By: Juanita Begay Phone No.: 928-871-7555 Email Address: jibegay@navajo-nsn.gov

PART II. FUNDING SOURCE(S)	Fiscal Year /Term	Amount	% of Total
Sihasin Fund	7/11/05	32,982,030.00	$1.00
TOTAL:		$32,982,030.00	100%

PART III. BUDGET SUMMARY	Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference (Column B - A)
2001 Personnel Expenses				0
3000 Travel Expenses				0
3500 Meeting Expenses				0
4000 Supplies				0
5000 Lease and Rental				0
5500 Communications and Utilities				0
6000 Repairs and Maintenance				0
6500 Contractual Services			2,575,000	2,575,000
7000 Special Transactions				0
8000 Public Assistance				0
9000 Capital Outlay			30,407,030	30,407,030
9500 Matching Funds				0
9500 Indirect Cost				0
TOTAL		$0.00	32,982,030.00	32,982,030

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

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

Delores Greyeyes, PhD., MSW, Director
SUBMITTED BY: Program Manager's Printed Name
Delores Greyeyes 10-18-18
SUBMITTED BY: Program Manager's Signature and Date

Jesse Delmar, Division Director
APPROVED BY: Division Director/Branch Chief's Printed Name
Jesse Delmar 101818
PROVED BY: Division Director/Branch Chief's Signature and D

PART I. PROGRAM INFORMATION:

Business Unit No.: New Program Name/Title: Dilkon Justice Center

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

Legislation Number: BF-S-37-07 Fund Management Plan and LOC-JY-07-13 Priority Listing

PART III. PROGRAM PERFORMANCE CRITERIA:

	1st QTR		2nd QTR		3rd QTR		4th QTR	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
1. Goal Statement: Prepare Bid Package for site development and construction.								
Program Performance Measure: Select a Construction contract for site development and construction			1					
2. Goal Statement: Bidding and Award services for General Contractors.								
Program Performance Measure: Execute contract with successful bidders.			1					
3. Goal Statement: To begin Construction Phase by May, 2019.								
Program Performance Measure: Start construction by May, 2019					1			
4. Goal Statement: Hire additional consultants for materials testing, special inspection, and code inspection.								
Program Performance Measure: Execute successful contract with qualified firms.					1			
5. Goal Statement:								
Program Performance Measure:								

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

Delores Greyeyes, Ph.D., MSW, Director
Program Manager's Printed Name

Delores Greyeyes 10-18-18
Program Manager's Signature and Date

Jesse Delmar, Division Director
Division Director/Branch Chief's Printed Name

10/18/18
Division Director/Branch Chief's Signature and Date

PART I. PROGRAM INFORMATION:

Program Name/Title: Dilkon Justice Center Business Unit No.: NEW

PART II. DETAILED BUDGET:

(A) Object Code (LOD 6)	(B) Object Code Description and Justification (LOD 7)			(C) Total by DETAILED Object Code (LOD 6)	(D) Total by MAJOR Object Code (LOD 4)
	Begin construction phase for a Medium District Public Safety, where 10 acres have been set aside for this project. This includes site development, roads, water and sewer lines, and construction.				
6520	Professional Services - Project Management Construction Phase Services			1,250,000	1,250,000
	6530 - Fees	$	1,100,000.00		
	6540 - Expenses	$	150,000.00		
	Total	**$**	**1,250,000.00**		
6810	Architecture/Design			750,000	750,000
	6813 - Fees	$	700,000.00		
	6814 - Expenses	$	50,000.00		
	Total	**$**	**750,000.00**		
6830	Other Technical Services			575,000	575,000
	6840 - Feasibility Services				
	6845 - Environmental Assessment/Survey				
	6850 - Diagnostics/Testing/Evaluation				
	6855 - Inspection/Appraisal Fees				
	6865 - Technical Services Expenses				
	Total	**$**	**575,000.00**		
9050	Building - Construction Phase			30,407,030	30,407,030
	9052 - Building				
			TOTAL	32,982,030	32,982,030

History

- The Dilkon Chapter, Cheezhin Dilkaan (the "Smooth Butte"), set aside 700 acres designated for community development.
- Trust land within the Dilkon Chapter
- Cultural Resources Inventory done 1979
- Environmental Assessment done 1994



Elmer P. Begay, Council Delegate
Lorenzo Lee, Sr., President
Felix Tsinajinnie, Vice President
Elizabeth Yazzie, Secretary Treasurer
Jonathan Manygoats, Grazing Committee Officer
Margie Barton, Chapter Manager
Charmayne Billie, Administrative Assistant
DILKON CHAPTER
HCR 63 BOX E • WINSLOW, AZ • 86047

EXHIBIT
tabbies
C

THE NAVAJO NATION
Jonathan Nez
PRESIDENT
Myron Lizer
VICE PRESIDENT

RESOLUTION NUMBER: DIL-2019-02-130 AMENDED

RESOLUTION OF THE DILKON CHAPTER OF THE NAVAJO NATION

APPROVING REQUEST TO HONORABLE ELMER P. BEGAY, MEMBER OF THE 24TH NAVAJO NATION COUNCIL TO IMMEDIATELY SPONSOR LEGISLATION APPROVING THE EXPENDITURE PLAN IN THE AMOUNT OF THIRTY-TWO MILLION, NINE HUNDRED EIGHTY-TWO THOUSAND, THIRTY DOLLARS ($32,982,030.00) FROM THE SIHASIN FUND FOR THE DILKON JUSTICE CENTER PROJECT

WHEREAS:

1. Pursuant to 26 N.N.C. Section 3 (A) the Dilkon Chapter is a duly recognized certified chapter of the Navajo Nation Government, as listed at 11 N.N.C., part 1, section 10; and
2. Pursuant to 26 N.N.C. Section 1 (B) Dilkon Chapter is vested with the authority to review all matters affecting the community; and
3. Dilkon Chapter is vested with the authority to request funds on behalf of the chapter when necessary and to make recommendation to the Navajo Nation and other agencies for appropriate actions; and
4. Dilkon Justice Center Project is a priority project listed on the Navajo Nation Infrastructure Capital Improvement Project (ICIP) for Dilkon Chapter, and
5. Dilkon Justice Center Project land clearances and legal surveys are complete; and
6. Dilkon Justice Center Project architectural and engineering plans are complete, which brings the project to a "construction ready" status; and
7. Dilkon Police Department was recently relocated to Twin Arrows due to the unsafe and unsanitary condition of their current buildings in Dilkon leaving our area unsecure, and
8. Dilkon Chapter request support from the Navajo Nation District Seven Council and the Fort Defiance Agency Council members, and
9. Dilkon Chapter is vested with the authority to request Honorable Elmer P. Begay, Council Delegate representing Dilkon Chapter to sponsor legislation for the approval of the Dilkon Justice Center Project Expenditure Plan, and
10. Dilkon Chapter is vested with the authority to request the Navajo Nation Budget and Finance Committee, Resource Development Committee, Law and Order Committee, Health, Education & Human Services Committee, the Naabik'i'yati' Committee, and the 24rd Navajo Nation Council to approve Sihasin Funds for the construction of the Dilkon Justice Center.

NOW THEREFORE BE IT RESOLVED THAT:

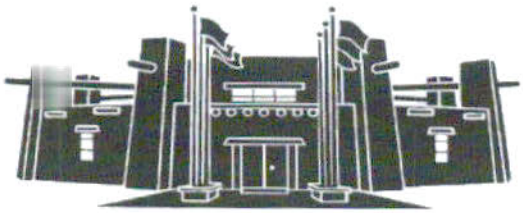
Dilkon Chapter hereby approves request to the Honorable Elmer P. Begay, member of the 24th Navajo Nation Council to immediately sponsor legislation approving the Expenditure Plan in the amount of Thirty-Two Million, Nine Hundred Eighty-Two Thousand, Thirty Dollars ($32,982,030.00) from the Sihasin Fund for the Dilkon Justice Center Project.

CERTIFICATION

The Dilkon Chapter hereby approves the foregoing resolution was considered by the Dilkon Chapter at a duly called meeting in Dilkon, Navajo Nation, Arizona at which a quorum was present and that the same was passed by a vote of 30 in favor, 0 opposed, and 5 abstained, that 10TH day of February, 2019.
Motion By: Marilyn H. Lee Second By: Cecilia Gonnie

Lorenzo Lee, Sr., Chapter President, Presiding Official

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



Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

TO: Honorable Elmer Begay
24th Navajo Nation Council

FROM: Edward A. McCool, Acting-Chief Legislative Counsel
Office of Legislative Counsel

DATE: May 24, 2019

AN ACTION RELATING TO THE LAW AND ORDER, BUDGET AND FINANCE, NAABIK'ÍYÁTI' COMMITTEES, AND NAVAJO NATION COUNCIL; APPROVING AND ADOPTING THE SÍHASIN DILKON JUSTICE CENTER FUND EXPENDITURE PLAN PURSUANT 12 N.N.C §§ 2501 – 2508

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

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§500, 501. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

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

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0130-19_____ **SPONSOR:** Elmer Begay

TITLE: An Action Relating To The Law And Order, Budget And Finance, Naabik'íyáti' Committees, And Navajo Nation Council; Approving And Adopting The Síhasin Dilkon Justice Center Fund Expenditure Plan Pursuant 12 N.N.C. §§2501-2508

Date posted: May 24, 2019 at 5:46pm

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.*

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0130-19

SPONSOR: Honorable Elmer Begay

TITLE: An Action Relating To The Law And Order, Budget And Finance, Naabik'íyáti' Committees, And Navajo Nation Council; Approving And Adopting The Síhasin Dilkon Justice Center Fund Expenditure Plan Pursuant 12 N.N.C. §§2501-2508

Posted: May 24, 2019 at 5:46 PM

5 DAY Comment Period Ended: May 29, 2019

Digital Comments received:

Comments Supporting	*None*
Comments Opposing	*None*
Inconclusive Comments	*None*

Legislative Tracking Secretary
Office of Legislative Services

5.30.19 11:35am
Date/Time