

RESOLUTION OF THE
BUDGET AND FINANCE COMMITTEE
OF THE NAVAJO NATION COUNCIL

24TH NAVAJO NATION COUNCIL - First Year, 2019

AN ACTION

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

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Law and Order Committee (LOC) and the Budget and Finance Committee (BFC) are standing committees of the Navajo Nation Council. 2 N.N.C. § 600(A) and 300(A).
- B. The LOC has oversight of the Department of the Division of Public Safety. 2 N.N.C. § 601(C)(1).
- C. The BFC is empowered to approve fund management plans upon the recommendation of the appropriate oversight committee and the affected division or branch. 2 N.N.C. § 301(B)(14).

SECTION TWO. FINDINGS

- A. The Navajo Nation entered into a Memorandum of Agreement with the Navajo Gaming Enterprise in January 2013 to provide a law enforcement presence at the Navajo Nation gaming facilities.
- B. The Navajo Nation initially approved a fund management plan for the Navajo Division of Public Safety through Resolution BFMY-15-13. The fund management plan was subsequently amended through Resolution BFCS-22-14.
- C. The proposed amendments to the fund management will allow the Division of Public Safety to fully support and pay for the operation and maintenance expenses of the Twin

Arrows Public Safety Building not otherwise funded through the Navajo Nation's fixed cost budget.

- D. The proposed amendments to the fund management plan for the Division of Public Safety are attached as **Exhibit A**.
- E. For reference, a clean copy incorporating amendments to the current fund management plan is attached as **Exhibit B**.
- F. The Navajo Division of Public Safety recommends the approval of the proposed amendments. A memorandum recommending the approval of the proposed amendments is attached as **Exhibit C**.

SECTION THREE. APPROVAL

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

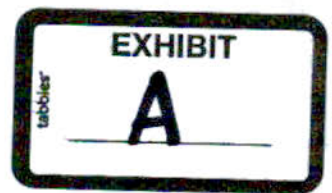
CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Budget and Finance Committee of the Navajo Nation Council at a duly called meeting held at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 4 in favor and 0 opposed, this 14th day of May 2019.



Jamie Henio, Chairperson
Budget and Finance Committee

Motion: Honorable Jimmy Yellowhair
Second: Honorable Amber K. Crotty



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

I. ESTABLISHMENT

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

II. CRITERIA

1. The Navajo Nation, through the Navajo Division of Public Safety ("NDPS"), has entered into a Memorandum of Agreement ("MOA") with the Navajo Nation Gaming Enterprise ("NNGE") to provide police services to Navajo Gaming Facilities.
2. The MOA requires that on-site police services be provided to the "Fire Rock Navajo Casino" located in Church Rock, Chapter, McKinley County; "Flowing Water Navajo Casino" located within Tsé Daak'aan Chapter, San Juan County; and "Northern Edge Navajo Casino" located within Upper Fruitland Chapter, San Juan County and "Twin Arrows Navajo Casino Resort" located in Leupp Chapter, Coconino County.
3. The negotiated fee for this service is \$36,000 per month or \$432,000 per year for "Fire Rock Navajo Casino", "Flowing Water Navajo Casino", and "Northern Edge Navajo Casino". The negotiated fee for this service is 25,000 per month or \$300,000 per year for "Twin Arrows Navajo Casino Resort". The total negotiated fee for this service is \$732,000 per year. The term of the MOA is perpetual, unless otherwise terminated pursuant to the requirements set forth in the MOA.
4. NDPS will use the gaming funds generated to support the operation needs of NDPS police officers and the Department of Corrections.
5. This includes using the fund for personnel related expenses for overtime, training, lodging, meals, travel equipment, supplies and awards.
6. NDPS will also use the gaming funds to purchase new patrol vehicles. The funds will also be used to pay associated expenses, including fees, insurance and repair work.
7. On an annual basis, beginning in FY 2020, NDPS will use the funds to fully support and pay for the operation and maintenance expenses of the Twin Arrows Public Safety Building, not otherwise paid for from the Navajo Nation's fixed cost budget.

8. The funds will be expended in accordance with Navajo Nation law, including the Navajo Business Opportunity Act.
9. The budget shall be placed into a project business unit account and not lapse on an annual basis.

III. EXPENDITURE REQUIREMENTS

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

1. The Division Director, in the manner prescribed by Navajo Nation policy, procedure, law, rule and regulation, shall prepare an annual budget for the fund. This budget will be reviewed and approved by the appropriate offices and authorities. The budget shall include a projection of the funds that will be generated set out in the MOA and will be allocated and expended consistent with Sections II (4) and (5).
2. The Accounting Manager(s), Office of the Controller and Office of Management and Budget, in a manner prescribed by Navajo Nation policy, procedure, law, rule and regulation, shall (1) establish a Revenue Fund Account for the deposit of funds described in Section II(3) above; (2) review and regulate expenditures from such fund to ensure compliance with existing Navajo Nation policy, procedure, law, rule or regulations regarding the fund; and (3) maintain an accurate accounting of all transactions.

IV. AMENDMENTS

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

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

Formatted: Font: (Default) Times New Roman

I. ESTABLISHMENT

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

II. CRITERIA

1. The Navajo Nation, through the Navajo Division of Public Safety ("NDPS"), has entered into a Memorandum of Agreement ("MOA") with the Navajo Nation Gaming Enterprise ("NNGE") to provide police services to Navajo Gaming Facilities.
2. The MOA requires that on-site police services be provided to the "Fire Rock Navajo Casino" located in Church Rock, Chapter, McKinley County; "Flowing Water Navajo Casino" located within Tsé Daak'aan Chapter, San Juan County; and "Northern Edge Navajo Casino" located within Upper Fruitland Chapter, San Juan County and "Twin Arrows Navajo Casino Resort" located in Leupp Chapter, Coconino County.
3. The ~~total~~ negotiated fee for this service is \$36,000 per month or \$432,000 per year for "Fire Rock Navajo Casino", "Flowing Water Navajo Casino", and "Northern Edge Navajo Casino". The ~~total~~ negotiated fee for this service is 25,000 per month or \$300,000 per year for "Twin Arrows Navajo Casino Resort". The total negotiated fee for this service is \$732,000 per year. The term of the MOA is perpetual, unless otherwise terminated pursuant to the requirements set forth in the MOA.
4. NDPS will use the gaming funds generated to support the operation needs of NDPS police officers and the Department of Corrections.
5. This includes using the fund for personnel related expenses for overtime, training, lodging, meals, travel equipment, supplies and awards.
6. NDPS will also use the gaming funds to purchase new patrol vehicles. The funds will also be used to pay associated expenses, including fees, insurance and repair work.
- ~~6-7.~~ On an annual basis, beginning in FY 2020, NDPS will use the funds to fully support and pay for the operation and maintenance expenses of the Twin Arrows Public Safety Building, not otherwise paid for from the Navajo Nation's fixed cost budget.

Formatted: Font: (Default) Times New Roman

Formatted: Font: (Default) Times New Roman

Formatted: No bullets or numbering

Formatted: Font: (Default) Times New Roman

Formatted: Font: (Default) Times New Roman

Formatted: Font: (Default) Times New Roman

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

Formatted: Font: (Default) Times New Roman

Formatted: Indent: Left: 1", No bullets or numbering

~~8.~~ 9. Unexpended revenue generated shall be non-expiring and remain in the account until fully expended. The budget shall be placed into a project business unit account and not lapse on an annual basis.

Formatted: Font: (Default) Times New Roman

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted: Font: (Default) Times New Roman

III. EXPENDITURE REQUIREMENTS

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

1. The Division Director, in the manner prescribed by Navajo Nation policy, procedure, law, rule and regulation, shall prepare an annual budget for the fund. This budget will be reviewed and approved by the appropriate offices and authorities. The budget shall include a projection of the funds that will be generated set out in the MOA and will be allocated and expended consistent with Sections II (4) and (5).
2. The Accounting Manager(s), Office of the Controller and Office of Management and Budget, in a manner prescribed by Navajo Nation policy, procedure, law, rule and regulation, shall (1) establish a Revenue Fund Account for the deposit of funds described in Section II(3) above; (2) review and regulate expenditures from such fund to ensure compliance with existing Navajo Nation policy, procedure, law, rule or regulations regarding the fund; and (3) maintain an accurate accounting of all transactions.

IV. AMENDMENTS

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



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

I. ESTABLISHMENT

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

II. CRITERIA

1. The Navajo Nation, through the Navajo Division of Public Safety ("NDPS"), has entered into a Memorandum of Agreement ("MOA") with the Navajo Nation Gaming Enterprise ("NNGE") to provide police services to Navajo Gaming Facilities.
2. The MOA requires that on-site police services be provided to the "Fire Rock Navajo Casino" located in Church Rock, Chapter, McKinley County; "Flowing Water Navajo Casino" located within Tsé Daak'aan Chapter, San Juan County; and "Northern Edge Navajo Casino" located within Upper Fruitland Chapter, San Juan County and "Twin Arrows Navajo Casino Resort" located in Leupp Chapter, Coconino County.
3. The negotiated fee for this service is \$36,000 per month or \$432,000 per year for "Fire Rock Navajo Casino", "Flowing Water Navajo Casino", and "Northern Edge Navajo Casino". The negotiated fee for this service is 25,000 per month or \$300,000 per year for "Twin Arrows Navajo Casino Resort". The total negotiated fee for this service is \$732,000 per year. The term of the MOA is perpetual, unless otherwise terminated pursuant to the requirements set forth in the MOA.
4. NDPS will use the gaming funds generated to support the operation needs of NDPS police officers and the Department of Corrections.
5. This includes using the fund for personnel related expenses for overtime, training, lodging, meals, travel equipment, supplies and awards.
6. NDPS will also use the gaming funds to purchase new patrol vehicles. The funds will also be used to pay associated expenses, including fees, insurance and repair work.
7. On an annual basis, beginning in FY 2020, NDPS will use the funds to fully support and pay for the operation and maintenance expenses of the Twin Arrows Public Safety Building, not otherwise paid for from the Navajo Nation's fixed cost budget.
8. The funds will be expended in accordance with Navajo Nation law, including the Navajo Business Opportunity Act.

9. The budget shall be placed into a project business unit account and not lapse on an annual basis.

III. EXPENDITURE REQUIREMENTS

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

1. The Division Director, in the manner prescribed by Navajo Nation policy, procedure, law, rule and regulation, shall prepare an annual budget for the fund. This budget will be reviewed and approved by the appropriate offices and authorities. The budget shall include a projection of the funds that will be generated set out in the MOA and will be allocated and expended consistent with Sections II (4) and (5).
2. The Accounting Manager(s), Office of the Controller and Office of Management and Budget, in a manner prescribed by Navajo Nation policy, procedure, law, rule and regulation, shall (1) establish a Revenue Fund Account for the deposit of funds described in Section II(3) above; (2) review and regulate expenditures from such fund to ensure compliance with existing Navajo Nation policy, procedure, law, rule or regulations regarding the fund; and (3) maintain an accurate accounting of all transactions.

IV. AMENDMENTS

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

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

Formatted: Font: (Default) Times New Roman

I. ESTABLISHMENT

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

II. CRITERIA

1. The Navajo Nation, through the Navajo Division of Public Safety ("NDPS"), has entered into a Memorandum of Agreement ("MOA") with the Navajo Nation Gaming Enterprise ("NNGE") to provide police services to Navajo Gaming Facilities.
2. The MOA requires that on-site police services be provided to the "Fire Rock Navajo Casino" located in Church Rock, Chapter, McKinley County; "Flowing Water Navajo Casino" located within Tsé Daak'aan Chapter, San Juan County; and "Northern Edge Navajo Casino" located within Upper Fruitland Chapter, San Juan County and "Twin Arrows Navajo Casino Resort" located in Leupp Chapter, Coconino County.
3. The ~~total~~ negotiated fee for this service is \$36,000 per month or \$432,000 per year for "Fire Rock Navajo Casino", "Flowing Water Navajo Casino", and "Northern Edge Navajo Casino". The ~~total~~ negotiated fee for this service is 25,000 per month or \$300,000 per year for "Twin Arrows Navajo Casino Resort". The total negotiated fee for this service is \$732,000 per year. The term of the MOA is perpetual, unless otherwise terminated pursuant to the requirements set forth in the MOA.
4. NDPS will use the gaming funds generated to support the operation needs of NDPS police officers and the Department of Corrections.
5. This includes using the fund for personnel related expenses for overtime, training, lodging, meals, travel equipment, supplies and awards.
6. NDPS will also use the gaming funds to purchase new patrol vehicles. The funds will also be used to pay associated expenses, including fees, insurance and repair work.
- 6-7. On an annual basis, beginning in FY 2020, NDPS will use the funds to fully support and pay for the operation and maintenance expenses of the Twin Arrows Public Safety Building, not otherwise paid for from the Navajo Nation's fixed cost budget.

Formatted: Font: (Default) Times New Roman

Formatted: Font: (Default) Times New Roman

Formatted: No bullets or numbering

Formatted: Font: (Default) Times New Roman

Formatted: Font: (Default) Times New Roman

Formatted: Font: (Default) Times New Roman

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

8. 9. Unexpended revenue generated shall be non-expiring and remain in the account until fully expended. The budget shall be placed into a project business unit account and not lapse on an annual basis.

Formatted: Font: (Default) Times New Roman

Formatted: Indent: Left: 1", No bullets or numbering

Formatted: Font: (Default) Times New Roman

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted: Font: (Default) Times New Roman

III. EXPENDITURE REQUIREMENTS

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

1. The Division Director, in the manner prescribed by Navajo Nation policy, procedure, law, rule and regulation, shall prepare an annual budget for the fund. This budget will be reviewed and approved by the appropriate offices and authorities. The budget shall include a projection of the funds that will be generated set out in the MOA and will be allocated and expended consistent with Sections II (4) and (5).
2. The Accounting Manager(s), Office of the Controller and Office of Management and Budget, in a manner prescribed by Navajo Nation policy, procedure, law, rule and regulation, shall (1) establish a Revenue Fund Account for the deposit of funds described in Section II(3) above; (2) review and regulate expenditures from such fund to ensure compliance with existing Navajo Nation policy, procedure, law, rule or regulations regarding the fund; and (3) maintain an accurate accounting of all transactions.

IV. AMENDMENTS

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



THE NAVAJO NATION

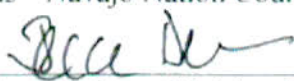
RUSSELL BEGAYE
JONATHAN NEZ



DIVISION OF PUBLIC SAFETY
OFFICE OF THE DIVISION DIRECTOR

MEMORANDUM

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

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

DATE: October 16, 2018

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

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

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

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

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

Philip Francisco, Chief of Police
Navajo Division of Public Safety

BUDGET AND FINANCE COMMITTEE

14 May 2019
Special Meeting

VOTE TALLY SHEET:

Legislation No. 0104-19:

An Action Relating to the Law and Order and Budget and Finance Committees; Amending the Navajo Division of Public Safety Fund Management Plan as Approved in BFCS-22-14 *Sponsored by Edmund Yazzie, Council Delegate*

Main Motion: Jimmy Yellowhair

Second: Amber K. Crotty

Vote: 4-0, Chairman not voting

Vote Tally:

Jamie Henio		
Jimmy Yellowhair	yea	
Raymond Smith Jr.	yea	
Elmer P. Begay	yea	
Amber K. Crotty	yea	
Nathaniel Brown		

Absent: Nathaniel Brown



Jamie Henio, Chairman
Budget & Finance Committee



Peggy Nakai, Legislative Advisor
Budget & Finance Committee