

RESOLUTION OF THE  
LAW AND ORDER COMMITTEE OF THE  
25th NAVAJO NATION COUNCIL—FIRST YEAR, 2023

AN ACTION

RELATING TO LAW AND ORDER COMMITTEE; APPROVING AN ALLOCATION OF ONE MILLION SEVEN HUNDRED NINE THOUSAND AND TWO HUNDRED SEVENTY DOLLARS (\$1,709,270) FROM THE JUDICIAL/PUBLIC SAFETY FUND, TO THE NAVAJO DEPARTMENT OF CORRECTIONS, FOR PROJECT MANAGEMENT SERVICES TO CONTINUE PLANNING, DESIGN, AND CONSTRUCTION OF NEW JUDICIAL PUBLIC SAFETY CENTERS

BE IT ENACTED:

**SECTION ONE. AUTHORITY**

The Law and Order Committee was established as a standing committee of the Navajo Nation Council and has oversight authority over the Navajo Nation Division of Public Safety. 2 N.N.C. §600(A); 2 N.N.C. §601(C)(1).

**SECTION TWO. FINDINGS**

- A. The Navajo Nation Council established the Judicial/Public Safety Facilities Fund ("JPSF Fund") in Resolution CJA-03-07 to provide money for the planning and construction of judicial and public safety facilities across the Navajo Nation.  
The Law and Order Committee approved \$2,726,729.24 from the JPSF Fund in Resolution LOCAP-01-22, which is attached as **Exhibit A**, for on-call project management services of DOC's numerous judicial/public safety projects.
- B. At the end of Fiscal Year 2022, \$1,709,270 of the funding allocated to DOC for the on-call project management services remained unencumbered. As a result, the funding lapsed and reverted back to the JPSF Fund, as noted in Director Greyeyes' memo dated, March 28, 2023, attached as **Exhibit B**.
- C. The Office of the Controller drafted a memo dated, March 28, 2023, attached as **Exhibit C**, indicating the balance available in the JPSF Fund as of February 28, 2023, is \$8,309,511.

- D. DOC's explanation of the need for funds, and its budget transfer form, are attached as **Exhibit D**.

**SECTION THREE. APPROVING THE ALLOCATION**

The Law and Order Committee hereby approves the allocation from the Judicial/Public Safety Fund in the amount of \$1,709,270 to the Department of Corrections, Business Unit #516003, for on-call project management services.

**CERTIFICATION**

I, hereby, certify that the foregoing resolution was duly considered by the Law and Order Committee of the 25<sup>th</sup> Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 04 in Favor, and 00 Opposed, on this 22nd day of May 2023.



Honorable Eugenia Charles-Newton, Chairwoman  
Law and Order Committee

Motioned: Honorable Steven R. Arviso  
Second : Honorable Cherilyn Yazzie



Dr. Andy Nez, Navajo Nation Council Delegate  
25<sup>th</sup> Navajo Nation Council  
PO Box 3390 | Window Rock, AZ. 86515  
[www.navajonationcouncil.org](http://www.navajonationcouncil.org)  
P: (928) 871-7160  
F: (928) 871-7255



March 27, 2023

Honorable Council Delegates  
25<sup>th</sup> Navajo Nation Council

Our Navajo People

Colleagues,

During April 2022, the Navajo Department of Corrections (NDOC) and Division of Public Safety was approved \$2,726,729.24 from the remaining balance for the Chinle Justice Center construction to hire an on-call Project Manager for the design and engineering for the Tséhootsooí Justice Center (1.00AP-01-22). After the completion of the Chinle Justice Center, NDOC encumbered \$1,031,383 for the on-call management services for the Tséhootsooí Justice Center which left \$1,709,270 unencumbered (and eventually reverting to the Judicial Public Safety Revenues account). The current balance (unaudited and un-appropriated) for this account is \$8,309,511.00. The on-call project management team has been working on the Judicial Public Safety Projects under an on-call service since January 2, 2022. The team assists NDOC with advertising, interviews and development of contracts for the Judicial Public Safety Centers across the Navajo Nation, which involves pre-construction design and engineering. The planning for the Tséhootsooí Justice Center existed since 2019, and the team looks forward to completing.

The proposed legislation will obtain the reverted balance of \$1,709,270 from the Judicial Public Safety Revenues account to continue and support the completion of the design and engineering for the Tséhootsooí Justice Center. This Center will be a designated headquarter, and will include a judicial and corrections office, law enforcement, EMS warehouse, and a medical examiner and evidence garage facility (a first for the Navajo Nation). This development will provide accessibility and presence for the region and will work to ensure safety is the utmost importance as operations commence.

Esteemed colleagues, your support is greatly appreciated.



Dr. Andy Nez

RESOLUTION OF THE  
LAW AND ORDER COMMITTEE OF THE  
24<sup>th</sup> NAVAJO NATION COUNCIL - Fourth Year, 2022

AN ACTION

EXHIBIT

A

RELATING TO THE LAW AND ORDER COMMITTEE; APPROVING A BUDGET TRANSFER WITHIN THE JUDICIAL/PUBLIC SAFETY FACILITIES FUND OF \$2,726,729.24 FROM THE CHINLE JUDICIAL/ PUBLIC SAFETY CENTER PROJECT (BUSINESS UNIT NO. C01493) INTO A NEW BUSINESS UNIT FOR THE DIVISION OF PUBLIC SAFETY/ DEPARTMENT OF CORRECTIONS TO USE ON PROJECT MANAGEMENT SERVICES FOR ITS NUMEROUS PROJECTS AT SEVERAL CHAPTERS

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Law and Order Committee was established as a standing committee of the Navajo Nation Council; as such, the Committee has oversight authority over the Navajo Nation Division of Public Safety. 2 N.N.C. §600(A); 2 N.N.C. §601(C)(1). The Department of Corrections is a Department under the Navajo Nation Division of Public Safety. See Resolution No. GSCAU-61-95, as amended by GSCJA-06-11 and LOCMA-05-18. Thus, the Law and Order Committee has oversight responsibility for the Department of Corrections.
- B. The Budget and Finance Committee was established as a standing committee of the Navajo Nation Council and was given the power to review and recommend to the Navajo Nation Council the budgeting, appropriation, investment, and management of all Navajo Nation funds. 2 N.N.C. §300(A); §301(B)(2).
- C. The Budget and Finance Committee has the authority to approve Fund Management Plans for the Navajo Nation's special revenue funds; the Committee also has the power to delegate its responsibilities and authorities for the more efficient functioning of the Navajo Nation government. 2 N.N.C. §301(B)(14); §301(B)(19).
- D. In Resolution No. CJA-03-07 the Navajo Nation Council established the Judicial/Public Safety Facilities Fund ("JPSF Fund"), a special revenue fund consisting of 25% of the revenue from the Navajo Sales Tax. 24 N.N.C. §620. The purpose of the JPSF Fund is to provide money for the

planning and construction of judicial facilities and public safety facilities across the Navajo Nation. CJA-03-07 gives the Budget and Finance Committee approval authority for the Fund Management Plan for the JPSF Fund. CJA-03-07 is attached as **EXHIBIT A**.

- E. In Resolution No. BFD-66-11 the Budget and Finance Committee amended the Fund Management Fund to permit the Law and Order Committee to approve JPSF Fund allocations for judicial/public safety projects. BFD-66-11 is attached as **EXHIBIT B**.

## SECTION TWO. FINDINGS

- A. In Resolution No. LOCJN-04-17 the Law and Order Committee approved a JPSF Fund project priority list describing 16 projects in 16 different Chapters. **EXHIBIT C**. The Department of Corrections ("DOC") implements and manages these major public facilities projects using approved allocations from the JPSF Fund.
- B. Specifically, Section II of the Fund Management Plan allows the JPSF Fund to be used for activities including, but not limited to, project planning, site clearance, and development for judicial/public safety facilities. **EXHIBIT B**.
- C. DOC is requesting a budget transfer of \$2,726,729.24 out of Business Unit No. C01493 (designated for the Chinle Judicial/Public Safety Center) and into a yet-to-be-created Business Unit, for DOC's use on its already-contracted project management firm. DOC proposes to use the \$2,726,729.24 to pay for the on-call project manager's professional services such as project planning and other activities related to DOC's numerous projects at several Chapters. The project manager's services are urgently needed to get these judicial/public safety projects shovel ready.
- D. DOC's explanation of the need for funds, and its budget transfer form, are attached as **EXHIBIT D**. A proposed scope of work for the on-call project manager is attached as **EXHIBIT E**.
- E. The Navajo Nation's Judicial Branch and the Division of Public Safety have agreed upon five high-priority projects. **EXHIBIT F**. DOC's project manager will be

assigned to these projects from time to time, as necessary and appropriate.

- F. The Office of the Controller has verified that the \$2,726,729.24 amount requested by DOC is available in the JPSF Fund, Business Unit No. C01493. EXHIBIT G. As explained in the Controller's memo, the Chinle Judicial/Public Safety Center project has been completed and the leftover funds, except for \$106,931.43 that remains encumbered for another purpose, are not needed for the Chinle project. Therefore, DOC desires to use this available amount in Business Unit No. C01493 for its on-call project manager.
- G. The Navajo Nation finds that the request by the Department of Corrections for \$2,726,729.24 in funding from the Judicial/Public Safety Facilities Fund for an on-call project manager is in the best interest of the Navajo Nation. As proposed by DOC, the project manager's work will facilitate the completion of the various judicial/public safety projects that are urgently needed in several communities across the Navajo Nation.

### SECTION THREE. APPROVING BUDGET TRANSFER

The Navajo Nation hereby approves a budget transfer within the Judicial/Public Safety Facilities Fund of \$2,726,729.24 out of Business Unit No. C01493 (designated for the Chinle Judicial/Public Safety Center project) into a new Business Unit to be established by the Office of the Controller. The transferred funds shall be used by the Department of Corrections for on-call project management services for DOC's numerous judicial/public safety projects that are ongoing, as explained in the attached EXHIBIT D and EXHIBIT E.

### SECTION FOUR. DIRECTIVE

The Office of the Controller is hereby directed to create a new account, with a new Business Unit number, that will be designated for use by the Department of Corrections to pay for its contracted project manager. The Office of the Controller shall then transfer \$2,726,729.24 out of Business Unit No. C01493 and put the \$2,726,729.24 into the new Business Unit account, as requested by DOC in the attached EXHIBIT E.

**SECTION FIVE. EFFECTIVE DATE**

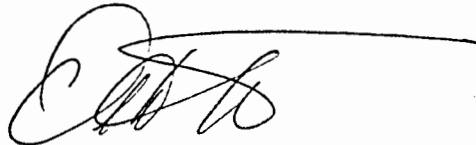
This Act shall become effective according to 2 N.N.C. §189(A) and Resolution No. BFD-66-11.

**SECTION SIX. SAVING CLAUSE**

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

**CERTIFICATION**

I, hereby, certify that the foregoing resolution was duly considered by the Law and Order Committee of the 24<sup>th</sup> Navajo Nation Council at a duly called meeting in Ojo Encino, Navajo Nation (New Mexico), at which a quorum was present and that the same was passed by a vote of 03 in Favor, and 00 Opposed, on this 11th day of April 2022.

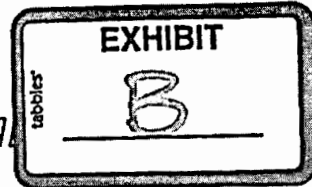
A handwritten signature in black ink, appearing to be 'Otto Tso', with a long horizontal line extending to the right.

Honorable Otto Tso, Vice Chairperson  
Law and Order Committee

Motioned: Honorable Eugene Tso  
Second : Honorable Vince James



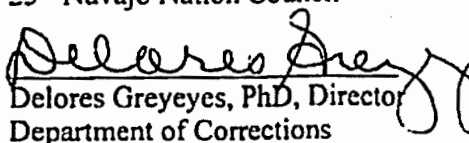
**DR. BUU NYGREN** *PRESIDENT*  
**RICHELLE MONTOYA** *VICE PRESIDENT*



**The Navajo Nation | Yideeskáadi Nitsáhákees**

**MEMORANDUM**

**TO :** Law and Order Committee  
25<sup>th</sup> Navajo Nation Council

**FROM :**   
Delores Greyeyes, PhD, Director  
Department of Corrections  
Division of Public Safety

**DATE :** March 28, 2023

**SUBJECT :** Request to Replenish Funds  
On Call Project Management Services

This memorandum is sent to request to replenish funds that was returned to the Judicial Public Safety Funds at the end of September 2022. These funds were returned to the Judicial Public Safety funds in the amount of \$1,709,270 without notice to the Navajo Department of Corrections (NDOC) who is leading the planning, designs and construction of the new Judicial Public Safety Centers.

These funds were obtained by legislation in LOCAP-01-22 in the amount of \$2,740,653 for the on call project management services to assist with the Judicial Public Safety Centers. NDOC encumbered \$1,031,383 for the on call project management services in June 2022 leaving a balance of \$1,709,270 in Business Unit Number 516003 unencumbered. This was done at the guidance of Jeremy Ben, Purchasing Supervisor, Contract Accounting to encumber the first year only.

On February 9, 2023, a memorandum was sent to Jeremy Ben, Accounting Manager, Purchasing Section to encumber the second year amount of \$1,135,740.

On February 24, 2023, this request was returned by Valerie Bitsilly, Accountant, Contract Administration who informed NDOC that the account 516003 had insufficient funds to encumber the \$1,135,740 requested for the second year of services in contract number CO15508. This contract is a multi-year contract assigned to the Parson Environment & Infrastructure Group, Inc. for on the Call Project Management Services. Ms. Valerie Bitsilly stated that this request for encumbrance was on hold for "insufficient funds".

On March 6, 2023, Sharon Yellowhair, Principal Accountant reached out to Robert Willie, Accounting Supervisor to understand why there were insufficient funds in BU516003 for the second year encumbrance for services under Contract Number CO15508.



**On March 7, 2023, Robert Willie responded to our request, stating any remaining funds in BU516003 was returned to the Judicial Public Safety Revenues at the end of September 2022, if it was not encumbered. This statement conflicts with instructions by Jeremy Ben, Purchasing Supervisor who advised that only the first year funds would be encumbered thereafter, we would need to write a written request to encumber subsequent year funds. NDOC was not informed or made aware that these funds had been reverted back until the NDOC sent a memorandum over to the Office of the Controller on February 9, 2023.**

**Robert Willie, Accounting Supervisor, General Accounting instructed NDOC that to use the remaining balance, another legislation would have to be done.**

**I am requesting a favorable review and approval of this request so allow services to continued for the planning, designs and construction of new Judicial Public Safety facilities.  
Your assistance is appreciated. Thank you.**

**cc: file**



**DR. BUU NYGREN** *PRESIDENT*  
**RICHELLE MONTOYA** *VICE PRESIDENT*

**The Navajo Nation | Yideeskáadi Nitsáhákees**

**Memorandum**

**Date:** March 28, 2023

**To:** Honorable Eugenia Charles-Newton, Chairperson  
Law and Order Committee, Navajo Nation Council  
*Robert Willie*

**From:** Robert Willie, Accounting Manager  
Office of the Controller

**Subject:** Judicial Public Safety Fund Balance-February 2023

Attached you will find the unaudited Income Statement and Balance sheet (Exhibit A) for the Judicial Public Safety Fund as of February 28, 2023.

The unaudited un-appropriated balance of the Judicial Public Safety Fund as of February 28, 2023, is \$8,309,511 (see Exhibit A, footnote 1). Exhibit A shows the composition of the Judicial Public Safety Fund Balance. Please note that there is a reserve of an amount of \$13,215,000 from the Sihasin Fund reimbursement provision included in CJY-33-22. Also, Business Unit 516003 had a balance of \$1,709,270 which lapsed at the end of FY 2022. Department of Corrections still needs this amount for "on call" services contract. This would bring the available un-appropriated balance to \$6,600,240 once the appropriation has been completed and approved.

In FY 2023 the Judicial Public Safety Fund (Exhibit A) has collected \$6,088,290, footnote 2, in revenue/contributions, the total expenditures are \$5,576,179, footnote 3. The excess of expenditures over revenues is \$512,112, footnote 4.

Please note that the debt service payments for the Navajo Nation's bond issuance from 2015 comes from this fund and such debt service payments average \$5 million per year until the bond is paid in full by the year 2030. This amount must be reserved each year to ensure that the bond debt service payments are made. Any proposed legislations currently going through the process will not be reflected in this balance until those resolutions have been approved.



The Judicial Public Safety Fund is primarily responsible for ensuring the bond is paid for each year until 2030 when the bond is extinguished. Both Law and Order Committee and the Budget and Finance Committee would need to be aware of this provision.

Thank you, if you should have any question please feel free to call me at tribal extension X6496.



FY 2023

**Judicial Public Safety/Key Bank  
Balance Sheet  
Unaudited February 28, 2023**

Cash	\$ 4,064,376
Investments	31,658,308
Accrued Interest Receivable	-
Accounts Receivable	381,552
Note Receivable	
<b>Total Assets</b>	<b><u>36,104,236</u></b>
<b>Liabilities:</b>	
Accounts payable	57,478
Accrued Liabilities	-
	<b><u>57,478</u></b>
<b>Fund balance</b>	
Restricted to Capital Projects	8,309,511 (1)
Committed for Capital Projects	13,454,788
FY 2023 Budget	1,067,460
CJY-33-22-Reserve for reimbursement.	13,215,000
<b>Total Fund Balance</b>	<b><u>36,046,758</u></b>
<b>Liabilities &amp; Fund Balance</b>	<b><u>\$ 36,104,236</u></b>

**Judicial Public Safety Facilities  
Income Statement  
5 months ended February 28, 2023**

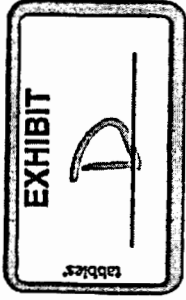
<b>Revenues:</b>	
Investment income	\$ 434,075
Other financial	-
Allocation/Contributions	5,654,216
Other Revenue	-
	<b><u>6,088,290 (2)</u></b>
<b>Total Revenues</b>	
<b>Expenditures:</b>	
Contractual Services	1,010,475
Amortization Expense	4,170,796
Capital Outlay	394,908
Furniture & Equipment	-
<b>Total expenditures</b>	<b><u>5,576,179 (3)</u></b>
<b>Excess/deficit of revenues over expenditures</b>	<b><u>512,112 (4)</u></b>

(1) - Available for use for Capital Projects

(2) - Total Revenue

(3) - Total Expenditures

(4) - Excess of revenue over expenditures



THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY

FY 2023

PART I. Business Unit No.:		Program Title:		JUDICIAL PUBLIC SAFETY FUND		Division/Branch:		PUBLIC SAFETY	
Prepared By:		Marlon West		Phone No.:		928-871-7555		Email Address:	
marlonwest@navajo-nsn.gov									
PART II. FUNDING SOURCE(S)		Fiscal Year / Item	Amount	% of Total	PART III. BUDGET SUMMARY				
Judicial Public Safety Fund	1/1/23 - 12/31/23	1,709,270.00			Fund Type Code	NINC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total	
					2001 Personnel Expenses				
					3000 Travel Expenses				
					3500 Meeting Expenses				
					4000 Supplies				
					5000 Lease and Rental				
					5500 Communications and Utilities				
					6000 Repairs and Maintenance				
					6500 Contractual Services	6	1,709,270	1,709,270	
					7000 Special Transactions				
					8000 Public Assistance				
					9000 Capital Outlay				
					9500 Matching Funds				
					9500 Indirect Cost				
TOTAL						\$0.00	1,709,270.00	1,709,270	
PART IV. POSITIONS AND VEHICLES					(D)				
Total # of Positions Budgeted:					0				
Total # of Vehicles Budgeted:					0				
TOTAL					0				
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE									
SUBMITTED BY:		Delores Greyeyes, MSW, Ph.D, Director		APPROVED BY:		Michael Anderson, Division Director			
Program Manager's Printed Name		3/21/2023		Division Director / Branch Chief's Printed Name		3/21/2023			
Program Manager's Signature and Date				Division Director / Branch Chief's Signature and Date					

THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY

FY 2023

PART I. PROGRAM INFORMATION:		JUDICIAL PUBLIC SAFETY FUND									
Business Unit No.:		Program Name/Title:									
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:											
LOC-JY-07-13 PRIORITY LISTING WINDOW ROCK AND SHIPROCK PUBLIC SAFETY											
PART III. PROGRAM PERFORMANCE CRITERIA:											
1. Goal Statement:		1st QTR		2nd QTR		3rd QTR		4th QTR			
Develop procurement for consultants, contractors for code inspection.		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
Program Performance Measure/Objective:											
Develop contracts											
2. Goal Statement:											
Program Performance Measure/Objective:											
3. Goal Statement:											
Program Performance Measure/Objective:											
4. Goal Statement:											
Program Performance Measure/Objective:											
5. Goal Statement:											
Program Performance Measure/Objective:											
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.											
Delores Greyeyes, MSW, Ph.D., Director		Michael Anderson, Division Director									
Program Manager's Printed Name		Division Director/Branch Chief's Printed Name									
Signature		Signature									
Date 3/27/2023		Date									

PART I. PROGRAM INFORMATION:		Business Unit No.: <u>                    </u>	
Program Name/Title: <u>JUDICIAL PUBLIC SAFETY FUND</u>			
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(D)
Object Code (LOD 5)	Object Code Description and Justification (LOD 7)	Total by DETAILED Object Codes (LOD 6)	Total by MAJOR Object Codes (LOD 4)
6	Contractual Services for on-call project management contract 6520 - Consulting 6530 - Consulting Fees 6540 - Consulting Expenses	1,649,814 59,456	1,649,814 59,456
TOTAL		1,709,270	1,709,270

## **LAW AND ORDER COMMITTEE**

**Regular Meeting  
May 22, 2023**

**Legislation No. 0078-23:** An Action Relating to Law and Order Committee; Approving an Allocation of One Million Seven Hundred Nine Thousand and Two Hundred Seventy Dollars (\$1,709,270) from the Judicial/Public Safety Fund, to the Navajo Department of Corrections, for Project Management Services to Continue Planning, Design and Construction of New Judicial Public Safety Centers – Sponsor: Honorable Andy Nez

### **VOTE TALLY SHEET:**

#### **Main Motion:**

Motion: Honorable Steven Arviso

Second: Honorable Cherilyn

Vote: 4-0-1


Yea: Hon. Cherilyn Yazzie, Hon. Steven Arviso, Hon. Herman M. Daniels, Jr.,  
Hon. Nathan Notah

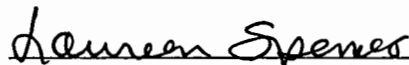
Nay: None

Not Voting: Hon. Eugenia Charles-Newton, Chairwoman

Excused: None

Absent: None

  
\_\_\_\_\_  
Eugenia Charles-Newton, Chairwoman  
Law and Order Committee  
25<sup>th</sup> Navajo Nation Council

  
\_\_\_\_\_  
Laureen Spencer, Legislative Advisor  
Office of Legislative Services