

LEGISLATIVE SUMMARY SHEET

Tracking No. 0022-21

DATE: February 17, 2021

TITLE OF RESOLUTION: RELATING TO LAW AND ORDER COMMITTEE; APPROVING AN ALLOCATION OF TWO-MILLION NINE-HUNDRED THIRTY THOUSAND FIVE HUNDRED ELEVEN DOLLARS (\$2,930,511.00) FROM THE JUDICIAL/PUBLIC SAFETY FUND, TO THE WINDOW ROCK JUDICIAL DISTRICT, FOR THE PURCHASE OF THE MODULAR WINDOW ROCK JUDICIAL COMPLEX
NEW

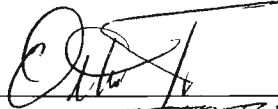
PURPOSE: To approve an allocation of two-million nine-hundred thirty thousand five hundred eleven dollars (\$2,930,511.00) from the Judicial/Public Safety Fund, to the Window Rock Judicial District, for the purchase of the Modular Window Rock Judicial Complex.

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 to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: VSRIDANORSE
Website Posting Time/Date: 02-18-2021 6:05PM
Posting End Date: 02-23-2021
Eligible for Action: 02-24-2021

PROPOSED STANDING COMMITTEE RESOLUTION
24th NAVAJO NATION COUNCIL—THIRD YEAR, 2021

INTRODUCED BY



OTTO TSO
Primary Sponsor

TRACKING NO. 0022-21

AN ACTION

RELATING TO LAW AND ORDER COMMITTEE; APPROVING AN ALLOCATION OF
TWO-MILLION NINE-HUNDRED THIRTY THOUSAND FIVE HUNDRED ELEVEN
DOLLARS (\$2,930,511.00) FROM THE JUDICIAL/PUBLIC SAFETY FUND, TO THE
WINDOW ROCK JUDICIAL DISTRICT, FOR THE PURCHASE OF THE MODULAR
WINDOW ROCK JUDICIAL COMPLEX *NEW*

BE IT ENACTED:

Section One. Authority

- A. The Navajo Nation established the Law and Order Committee (LOC) as a Navajo Nation standing committee. 2 N.N.C. § 600 (A)
- B. The Judicial/Public Safety Facilities Fund Management Plan empowers the Law and Order Committee to establish a fund priority list to use of funds from the Judicial/Public Safety Facilities Fund. Resolution BFD-66-11.

Section Two. Findings

- A. The revenue from the Navajo Sales Tax is deposited into the Judicial/Public Safety Fund that is managed by a Fund Management Plan. BFD-66-11.
- B. The Judicial/Public Safety Facilities Fund Management Plan is attached as **Exhibit A**.
- C. The Judicial/Public Safety Fund is a special revenue fund to provide funding for judicial and public safety facilities as approved by the Law and Order Committee.

- 1 D. Resolution LOCJN-04-17 approved the Judicial/Public Safety Facilities Fund Priority
2 List for Fiscal Years 2017 and 2018; Window Rock, Navajo Nation – Judicial/Public
3 Safety Facilities was placed as priority number one (1). Resolution LOCJN-04-17 is
4 attached as **Exhibit B**.
- 5 E. The Window Rock Judicial District is requesting \$2,930,511.00 for the purchase of
6 the Judicial Modular Complex/Facility; to include design and engineering services
7 along with the preparation and installation of the modular complex. *See Navajo*
8 *Nation Supplemental Funding Proposal Summary as **Exhibit C**.*
- 9 F. Chief Justice JoAnn Jayne has accepted the Engineering Fee and Preliminary
10 Construction Proposal from NEZ/FCI Native American LLC incorporated herein as
11 **Exhibit D**.
- 12 G. A Land Withdrawal has been completed within the Fort Defiance Chapter endorsed
13 by Fort Defiance Grazing Officer, Herman Billie. Land assignment has undergone
14 appropriate Biological and Cultural clearances. *See General Land Development*
15 *Department checklist packet and memo from Herman Billie as **Exhibit E**.*
- 16 H. Navajo Nation Fiscal Year 2021 Program Budget Summary forms are attached as
17 **Exhibit F**.
- 18 I. The Office of the Controller provided the balance in the Judicial/Public Safety Fund,
19 and as of December 31, 2020, \$14,967,745 is available as indicated in **Exhibit G**.
- 20 J. The Judicial Branch, Window Rock District, has supplied a Facility Needs &
21 Timeline attached as **Exhibit H**.

22 23 **Section Three. Approving the Budget Allocation**

24 The Law and Order Committee hereby approves the allocation from the
25 Judicial/Public Safety Fund in the amount of \$2,930,511.00 to the Window Rock Judicial
26 District for the purchase of the modular complex, Business Unit #NEW, for the purchase
27 and installation of the new Window Rock Judicial Modular Complex.
28
29
30

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



22ND NAVAJO NATION COUNCIL - First Year, 2011

AN ACTION

RELATING TO LAW AND ORDER AND BUDGET AND FINANCE; AMENDING
THE JUDICIAL/PUBLIC SAFETY FACILITIES FUND MANAGEMENT PLAN

BE IT ENACTED:

The Navajo Nation hereby amends the Judicial/Public
Safety Facilities Fund Management Plan as reflected in
Exhibit "A", attached hereto.

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, 0 opposed, this 20th day of December, 2011.

A handwritten signature in black ink, appearing to read "LoRenzo C. Bates".

LoRenzo C. Bates, Chairperson
Budget and Finance Committee

Motion: Jonathan Nez
Second: Mel R. Begay

JUDICIAL/PUBLIC SAFETY FACILITIES FUND MANAGEMENT PLAN**I. Establishment**

The Judicial/Public Safety Facilities Fund ("Fund") was established by Navajo Nation Council Resolution CJA-03-07. Twenty-five percent (25%) of the revenue from the Navajo Sales Tax shall be deposited into the Fund in accord with 24 N.N.C. §620. Additional appropriations may be made from time to time by the Navajo Nation Council. All funds deposited into the Fund shall be used only as provided herein.

II. Purpose

The fund is established as a special revenue fund to provide funding for judicial and public safety facilities as approved by the ~~Judiciary Committee and Public Safety~~ Law and Order Committee in the Judicial/Public Safety Facilities Fund Priority List ("Fund Priority List"). Projects or activities which may be funded by the Fund include, but are not limited to:

- A. Planning, site clearance, and development;
- B. Site improvement and landscape development;
- C. Utility access;
- D. Street access and parking area;
- E. Construction, maintenance, renovation and repair; and
- F. Debt service for the financing of the above activities.

III. Administration**A. Administration**

The Judicial Branch ("Branch") and the Division of Public Safety ("Division") shall jointly administer the Fund or, either the Branch or the Division may independently administer the fund pursuant to a written agreement between the Branch and the Division. The Controller shall establish a Fund account and provide assistance with Fund administration.

1 B. Expenditures

2 Expenditures from the Fund shall be in accord with this Fund Management Plan and
3 restricted to those facilities set forth in the duly approved Fund Priority List. Expenditures
4 from the Fund shall be made in compliance with Navajo Nation law and applicable
5 policies.

6 C. Judicial/Public Safety Facilities Fund Priority List

7 Every two years the ~~Judiciary Committee and Public Safety~~ Law and Order Committee
8 shall approve ~~an identical~~ a Fund Priority List to cover a two fiscal year period beginning
9 with Fiscal Year 2008 and Fiscal Year 2009. The Fund Priority List shall identify and
10 prioritize five Judicial Branch, Public Safety or combined Judicial/Public Safety facilities
11 at specified locations that may receive funding from the Fund.

12 D. Quarterly Reports

13 The Branch and Division shall submit quarterly written reports to the ~~Judicial~~
14 ~~Committee, Public Safety~~ Law and Order Committee and the Budget and Finance
15 Committee on the status of the Fund, including all projected and realized Fund revenue and
16 expenditures.

17 E. Annual Audit

18 The Fund shall be audited annually by independent auditors as part of the overall audit
19 of the Navajo Nation government.
20

21 **IV. Amendments**

22 The Fund Management Plan may be amended by the Budget and Finance Committee,
23 upon recommendation by the ~~Judiciary Committee and the Public Safety~~ Law and Order
24 Committee.
25

26 **~~V. Sunset Clause~~**

27 ~~The Fund Management Plan shall expire September 30, 2012 unless date is extended by~~
28 ~~amendment.~~
29

30 **V. Fund Management Plan duration**

1 The Judicial/Public Safety Facilities Fund Management Plan shall continue to exist until
2 terminated by the Navajo Nation Council through amendment to 24 N.N.C. § 620 or the
3 rescission of applicable provisions therein.

**LAW AND ORDER COMMITTEE
22ND NAVAJO NATION COUNCIL**

FIRST YEAR 2011

COMMITTEE REPORT

Mr. Speaker,

The **LAW AND ORDER COMMITTEE** to whom has been assigned;

NAVAJO LEGISLATION NO. 0474-11

**AN ACTION RELATING TO LAW AND ORDER AND BUDGET AND FINANCE;
AMENDING THE JUDICIAL/PUBLIC SAFETY FACILITIES FUND
MANAGEMENT PLAN (*Sponsored by Honorable Alton Joe Shepherd*)**

Has had it under consideration and report the same with a recommendation that it **DO PASS**, with no amendments;

And therefore referred to **Budget and Finance Committee**.

Respectfully submitted,



Edmund Pazzie, Chairperson
Law and Order Committee of the
22nd Navajo Nation Council

Date: December 12, 2011

The vote was 4 in favor and 0 opposed

Motion: Duane S. Tsinigine

Second: Elmer P. Begay

22nd NAVAJO NATION COUNCIL

First Year 2011

Mr. Speaker:

The **BUDGET & FINANCE COMMITTEE** to whom has been assigned

NAVAJO LEGISLATIVE BILL #0474-11:

An Action Relating to Law and Order and Budget and Finance; Amending the Judicial/Public Safety Fund Management Plan *Sponsored by the Honorable Alton Joe Shepherd, Council Delegate*

has had it under consideration and reports the same with the recommendation that It **Do Pass** without amendment.

Respectfully submitted,



LoRenzo Bates, Chairman

Adopted: 
Legislative Advisor

Not Adopted: _____
Legislative Advisor

Date: 20 December 2011

The vote was 4 in favor 0 opposed

Excused:

Absent:



LOCJN-04-17

RESOLUTION OF THE LAW AND ORDER COMMITTEE
23rd NAVAJO NATION COUNCIL - THIRD YEAR,
LAW AND ORDER COMMITTEE

AN ACTION

RELATING TO LAW AND ORDER; APPROVING JUDICIAL/PUBLIC SAFETY
FACILITIES FUND PRIORITY LIST FOR FISCAL YEARS 2017 AND 2018

BE IT ENACTED:

Section One. Authority

The Navajo Nation established the Law and Order Committee (LOC) as a Navajo Nation standing committee and as such gave LOC approval authority to fund public safety facilities from the Navajo Sales Tax revenue. 2 N.N.C. §§ 600(A) see also CJA-03-13, 22nd Navajo Nation Council, sect. 5, 30 (2013) and BFD-66-11 approving the JUDICIAL/PUBLIC SAFETY FACILITIES FUND MANAGEMENT PLAN, sects. I and II (2011).

Section Two. Findings

- A. The Navajo Nation Council established the Judicial/Public Safety Facilities Fund and the fund shall be appropriated pursuant to the Judicial/Public Safety Facilities Fund Management Plan. 24 N.N.C. § 620(B).
- B. The Law and Order Committee approves a "Fund Priority List" which "shall identify and prioritize five Judicial Branch, Public Safety or combined Judicial/Public Safety facilities at specified locations that may receive funding from the Fund." BFD-66-11 approving the JUDICIAL/PUBLIC SAFETY FACILITIES FUND MANAGEMENT PLAN, sect. III.C. (2011).
- C. For Fiscal Years 2017 and 2018, the Judicial Branch and the Division of Public Safety recommend the Law and Order Committee approve the attached Fund Priority List. EXHIBIT A.

Section Three. Approving the Judicial/Public Safety Facilities Fund Priority List

The Law and Order Committee approves the Judicial/Public

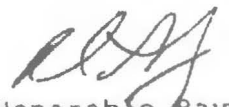
Safety Facilities Fund Priority List for Fiscal Years 2017 and 2018 as listed in EXHIBIT A. BFD-66-11 approving the JUDICIAL/PUBLIC SAFETY FACILITIES FUND MANAGEMENT PLAN, sect. III. C. (2011).

Section Four. Fund Administration

With the assistance of the Controller, the Judicial Branch and the Division of Public Safety shall ensure that funds are properly administered and fund expenditures shall be restricted to facilities approved by this resolution in EXHIBIT A. BFD-66-11 approving the JUDICIAL/PUBLIC SAFETY FACILITIES FUND MANAGEMENT PLAN, sect. III. A. and B. (2011).

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Law and Order Committee of the 23rd 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 4 in favor and 0 oppose, this 2nd day of June, 2017


Honorable Raymond Smith Jr,
Vice Chairperson
Law and Order Committee

Motion: Honorable Edmund Yazzie

Second: Honorable Otto Tso

AMENDED AGREEMENT

**RECOMMENDING APPROVAL OF THE JUDICIAL/PUBLIC SAFETY FACILITIES
FUND PRIORITY LIST FOR FISCAL YEARS 2017 AND 2018 AS PROVIDED BY THE
JUDICIAL/PUBLIC SAFETY FACILITIES FUND MANAGEMENT PLAN**

WHEREAS,

The Judicial Branch ("Branch") and the Division of Public Safety ("Division") are joint administrators of the Judicial/Public Safety Facilities Fund Management Plan.

The Fund requires that a priority listing of facilities for funding be approved beginning with Fiscal Years 2008-2009 and every two years thereafter.

The Navajo Nation District Judicial/Public Safety Master Plan completed in March 2007 serves as a guide for the planning and design of judicial/public safety facilities.

The Chief Justice and the Division Director have reviewed the facility needs for judicial/public safety facilities and have identified projects that may receive funding from the Judicial/Public Safety Facilities Fund.

THEREFORE, The Chief Justice and the Division Director hereby recommend to the Law and Order Committee of the Navajo Nation Council ("Committee") that the priorities for the Judicial/Public Safety Facilities Fund Management Plan be approved as follows:

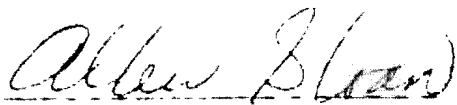
1. Window Rock, Navajo Nation, Arizona – Division of Public Safety, Window Rock Judicial District and NDPS Headquarters Facility
2. Shiprock, Navajo Nation, New Mexico – Judicial/Public Safety/Correctional Facilities
3. Kayenta, Navajo Nation, Arizona – Judicial Facility
4. Chinle, Navajo Nation, Arizona – Public Safety Training Facility
5. Dilkon, Navajo Nation, Arizona – Public Safety/Correctional Facilities
6. Pinon, Navajo Nation, Arizona – Judicial/Public Safety/Correctional Facilities
7. Window Rock, Navajo Nation, Arizona – Supreme Court Facility
8. Ramah, Navajo Nation, New Mexico – Judicial Facility
9. Aneth, Navajo Nation, Utah – Judicial/Public Safety/Correctional Facilities
10. Alamo, Navajo Nation, New Mexico – Judicial/Public Safety/Correctional Facilities
11. Pueblo Pintado, Navajo Nation, New Mexico – Public Safety/Correctional Facilities
12. To'hajiilee, Navajo Nation, New Mexico – Public Safety/Correctional Facilities
13. Kaibeto, Navajo Nation, Arizona – Public Safety Substation
14. Cameron, Navajo Nation, Arizona – Public Safety Substation
15. Leupp, Navajo Nation, Arizona – Public Safety Substation
16. Tuba City, Navajo Nation, Arizona – Fire Department and Emergency Medical Services Facility

The Branch and Division further recommend to the Committee that the sequence of construction of facilities may be modified by the timing of approval of financing and upon the shovel- and construction-readiness of each project.

The Branch and Division further recommend to the Committee that from time to time, additional appropriation requests be made to the Navajo Nation Council for deposit into the Judicial Public Safety Facilities Fund to address construction of judicial/public safety facilities.

The Branch and Division further recommend to the Committee that from time to time, additional appropriation requests be considered for other judicial public safety facility projects outside of the priority list.

Signed this 2nd day of June 2017



Allen Sloan, Acting Chief Justice
Judicial Branch of the Navajo Nation



Jesse Delmar, Division Director
Division of Public Safety

**THE NAVAJO NATION
SUPPLEMENTAL FUNDING PROPOSAL SUMMARY**

PART I. Business Unit No.:	NEW	Program Title:	Window Rock Judicial District
Division/Branch:	Judicial	Amount Requested:	\$2,903,511
Prepared By:	Verlena Hale	Phone No.:	928-871-6626
		Email Address:	verlenahale@navajo-nsn.gov

PART II. REASON FOR REQUEST AND STATEMENT OF NEED:

The old court building's deteriorated condition forced Window Rock District Court to lease a facility that will house the Court personnel, Probation, and Parole Services. The district court vacated the Window Rock District Public Safety building in May 2017, after several building closures due to sewage backup problems and natural gas leaks. At that time, we were fortunate to have secured a leased office space from the Navajo Nation Shopping Centers, Inc., located in Window Rock, AZ. The district court moved into that rent office space in June 2017. On July 9, 2018, the district court vacated the leased office space due to Mold's problems and low indoor air quality. After months of inspections, mold abatement, and repairs to the roof and exterior walls undertaken by NNSCI, the district court cannot re-occupy the leased office space. As posted on the Navajo Nation Judicial Branch website, the district court operates out of the Administrative Offices of the Courts building, the Peacemaking Program office space. The judges use the Supreme Court's courtroom or Law and Order conference room for hearings. While this arrangement was initially expected to last one month, the district court judges and staff continue to work in undersized and cramped quarters that are not designed for office space personnel. The situation for Window Rock Judicial District got worse because the NNSCI management decided not to renew the lease agreement and with the ongoing COVID 19 pandemic. The lease we have with NNSCI is annual, and the current lease expired on December 31, 2018. We have been looking around the Window Rock, St. Michaels, Fort Defiance, Tse Bonito area for available office space to relocate the district court once again. The need for temporary office space is for a period of up to ten years. The Window Rock Judicial District will eventually move back into its new judicial building after constructing a new Judicial/Public Safety complex in Window Rock, AZ. However, this construction of a new building complex is only starting to get underway this year, and this project will take several years to complete. Therefore, between May 2019 and October 2023, the Window Rock Judicial District needs temporary office space for its operations. I hope you can help us identify any potential available funds to purchase a new Modular building. The Window Rock District Court has a high caseload of all other Judicial Districts.

PART III. SCOPE OF WORK/METHODOLOGY

The Judicial Public Safety funds will be used to purchase a new modular building. Window Rock Judicial District will put out a bid to buy a new modular building. Bidding will also go out for land improvement (on-site prep) and infrastructure costs to cover construction to the positive drain system, Water/Wastewater lines, and capping the previous gas line for the building.

PART IV. AFFIRMATION IS PROVIDED THAT THE PROPOSAL INFORMATION IS COMPLETE AND ACCURATE AND THE APPROPRIATE BRANCH CHIEF RECOMMENDS APPROVAL.

REVIEWED BY: Division Director's Signature / Date

RECOMMEND APPROVAL: Branch Chief's Signature / Date

JUDICIAL BRANCH OF THE NAVAJO NATION

JOANN B. JAYNE
Chief Justice of the Navajo Nation

ELEANOR SHIRLEY
Associate Justice, Navajo Supreme Court

TINA TSINIGINE
Associate Justice, Navajo Supreme Court



OFFICE OF THE CHIEF JUSTICE

P.O. Box 520 11 Window Rock, Navajo Nation, (AZ) 86515
Telephone 928-871-7669 11 Fax 928-871-6866

October 22, 2020

Marvin Nez
NEZ/FCI Native American LLC
10922 West Glenn Drive
Glendale, Arizona 85307-1813

SUBJECT: Acceptance of Proposed Engineering fee and Preliminary Construction Budget

The Navajo Nation Judicial Branch is in receipt of the proposed cost estimate for the Window Rock Judicial District Project dated October 16, 2020. The Navajo Nation accepts the estimate and agrees to proceed with the project for the 8,064 square foot building.

A contract must be finalized in accordance to the Design Build requirements, please provide the contract for review.

If there are any questions, please maintain communication with Sharilene Jeff, Project Manager and the delegated Administrative Director of the Courts, Raquel Chee at (928) 517-7256 or by email at rchee@navajo-nsn.gov. Thank you.

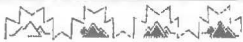
Sincerely,

A handwritten signature in cursive script, appearing to read "JoAnn Jayne", is written over the typed name.

Honorable JoAnn B. Jayne
Chief Justice
THE NAVAJO NATION



Trust • Hard Work • Honest • Professional



October 16th, 2020

Ms. Sharilene Jeff,

Based on our previous meetings and discussions, NEZ/FCI has prepared the following engineering fee and preliminary construction budget for an approximately 8,064 sf modular administration office building and the associated site work. Please see below for the break down and brief scope of work description:

PART I: ENGINEERING----- \$118,750.00*

1. Architectural building and site design.
2. Mechanical, Electrical and Plumbing design and engineering.
3. Structural design and engineering.
4. Fire alarm system design and engineering.
5. Fire sprinkler system design and engineering.
6. Topographic survey and base mapping.
7. Civil engineering construction plans and supporting documents.
8. Submittal to NTUA for review (review fee allowance of \$5,000 included).
9. Coordination, meetings, and site visits.
10. Preconstruction services including design assist, budget development, and GMP development.

**Engineering fee does not include Navajo Business tax. If required, tax will need to be added to this amount.*

PART II: CONSTRUCTION COST (preliminary budget) -----\$1,864,700.00**

1. Modular building construction, delivery, and setup on site by end of January 2021.
2. Site work: including site clearing, grading, building pad and parking lot base preparation, retention basin excavation, ribbon footing excavation (includes pad prep for future expansion to 10,000 sf footprint).
3. Building footings: reinforcement concrete ribbon footing (approx. 10" thick x 30" wide).
4. Exterior improvements: concrete ADA parking (2 stalls) and signs, trash pad & bollards, sidewalks, gravel parking lot (4" thick), riprap at retention basin, traffic control signs, native seed at disturbed areas.
5. Utilities: water, sewer, gas, fire line and connections to building, enough capacity for 10,000 sf building.
6. Electrical service: electrical service to building, enough capacity for 10,000 sf building.

***Construction cost includes 6% Navajo Business Tax.*

If you have any questions or concerns, please contact me via phone or email listed below. Thank you for the opportunity to price this work, NEZ/FCI is looking forward to working together on this project.

Best Regards,

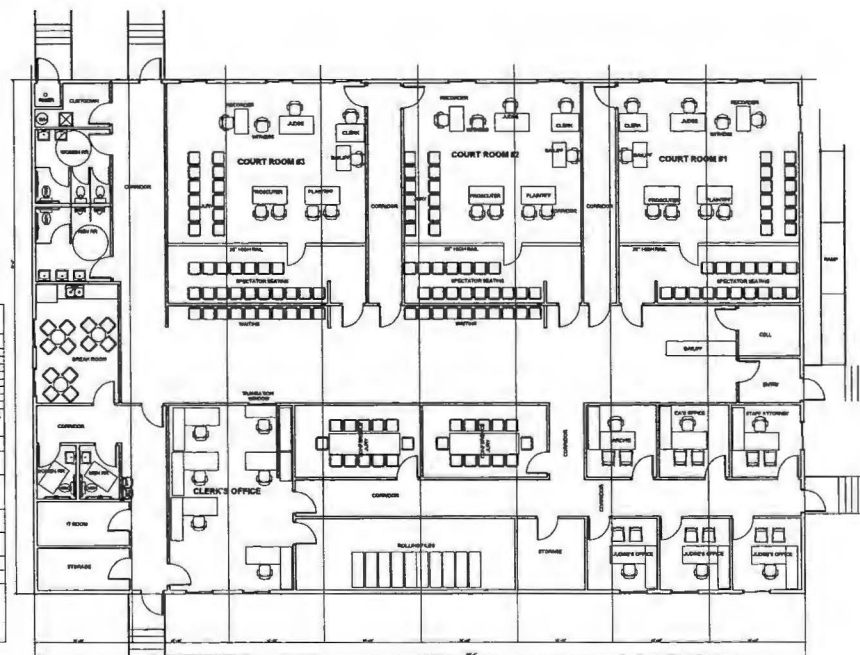
Larry Bangle
Project Manager

BUILDING DESIGN SUMMARY

BUILDING DESIGN SUMMARY

- [illegible]

CONSTRUCTION NOTES

[illegible]

FLOOR PLAN
SCALE: 1/8" = 1'-0"


REVISIONS:	
STATE	COMMENTS
07/01/2016	

PROJECT: -
ADDRESS: NAVAJO NATION JUDICIAL OFFICE -
FORT DEFIANCE, ARIZONA

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MAIL:
AVE. PO BOX: 15507
85041 PHOENIX, AZ 85060
741
AZ FIRM REG. NO. 15990-0)
ing Company

MEET:



**Modular
Solutions, Ltd.**

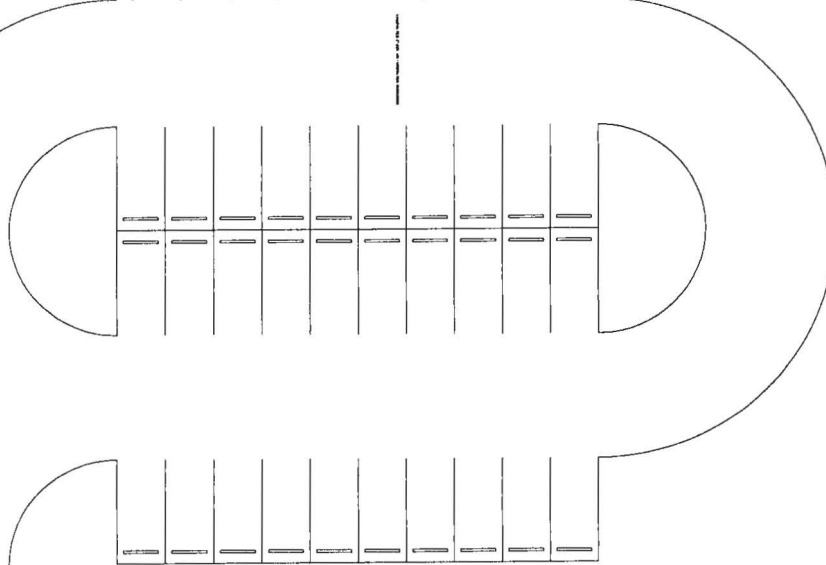
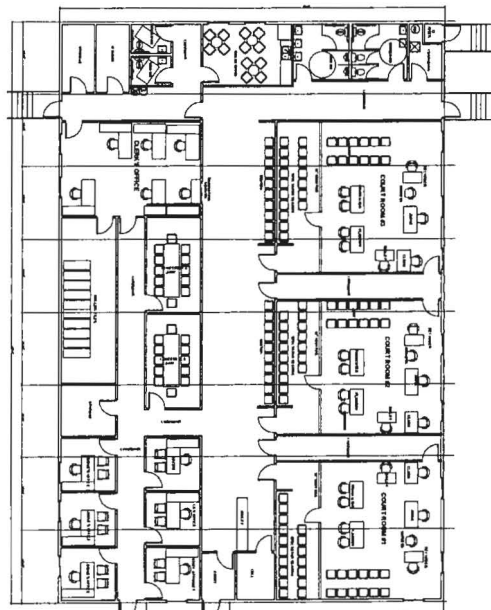
PHYSICAL
5439 S. 43rd
PHOENIX, AZ
(602) 852-9111

The Complete Modular Building

PROJECT:	11058W
DATE:	OCT. 09, 201
CONTACT:	JOHN COOPER

A1.1

A1.1



SITE PLAN
SCALE: 1/8" = 1'-0"

SP1.1

PROJECT: 1105486
DATE: OCT 06, 2010
CONTACT: JOHN COOPER

SHEET:



Modular Solutions, Ltd.
The Complete Modular Building Company
PHYSICAL: 5439 S. 43RD AVE. PO BOX: 15507
PHOENIX, AZ 85041 PHOENIX, AZ 85060
(602) 952-9741
(AZ FIRM REG. NO. 15990-0)

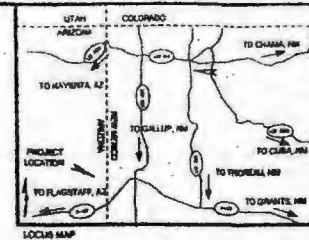
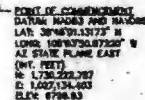
This document is an instrument of service only, and shall remain the exclusive property of Modular Solutions Ltd. No reproduction or other use shall be made by any person or firm without the express written permission of Modular Solutions Ltd. Any unauthorized use shall void the architect's seal and signature hereon and no professional liability will remain.

PROJECT:

ADDRESS: NAVAJO NATION JUDICIAL OFFICE

FORT DEFIANCE, ARIZONA

REVISIONS	DATE	BY	DESCRIPTION
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COMMENCED AT THE WESTMOST CORNER OF SECTION 30, CORNER BEING MONUMENTED WITH A UNITED STATES BUREAU OF LAND MANAGEMENT CADASTRAL SURVEY BRASS CAP, BEARING S 03° 00' E, A DISTANCE OF 3.2816 FEET TO A BRASS CAP MONUMENT (SIA BEAR) ON THE SOUTHERLY BOUND OF TOW 36N OF RANGE 10E, T13, AND THE TRUE POINT OF BEGINNING FOR THIS PARCEL.

[illegible]

S40 PANEL CONTAINS 3.01 ACRES, MORE OR LESS AND IS SUBJECT TO ANY AND ALL EXISTING EASEMENTS, FOR UNDERGROUND UTILITIES LOCATED THEREIN.

RECEIVED BY NSA SA DC. 03 APRIL 68 2000

I, RONALD E. STELL, A RESIDENTIAL PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF ARIZONA, HEREBY CERTIFY THAT THE PLAT WAS PREPARED FROM FIELD NOTES OF AN ACTUAL SURVEY ACCORDING TO USUAL SURVEYING AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

3. THE PLAN AND ALL INSTRUMENTS HEREIN ARE HEREBY GIVEN UP FOR A SECOND TIME WITHOUT RESERVE AND AS TO THE AND THE PROCEEDS ARE AGAIN HELD IN TRUST.
4. THE DEBENTURE WAS FORWARDED TO THE BANK OF AMERICA AND THE PROCEEDS ARE HELD IN TRUST FOR THE DEBENTURE.
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REVISIONS:

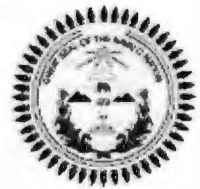
PREPARED FOR:

LETT HOUSING TRACT

1

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



JoAnn B. Jayne, Chief Justice
Judicial Branch of the Navajo Nation
PO Box 500
Window Rock, AZ 86515

October 9, 2020

Dear Chief Justice Jayne,

Your Land Withdrawal Designation proposal for 5.8 acres for the Navajo Nation Judicial Branch Building in, Township 28 North, Range 31 East in Section 18, Gila & Salt River Meridian, Ft. Defiance, Apache County, Arizona is approved.

You are authorized to construct, operate and maintain the aforementioned swath of land for no more than ten (10) calendar years from the date of this approval letter. If re-designation is sought after said period, please contact NLD and GLDD ninety (90) days prior to ensure efficient processing. In the event that the designation is not renewed, the area will revert to Navajo Nation Tribal Trust land.

Thank you for your application to the Navajo Land Department / General Land Development Department. If you have any questions or inquiries please contact the Navajo Land Department at (928)-871-6401

Sincerely,

A handwritten signature in black ink, appearing to read "W. Mike Halona", with a long horizontal line extending to the left.

W. Mike Halona, Department Manager III
Navajo Land Department
Division of Natural Resources

General Land Development Department

Land Withdrawal Designation Checklist for Community and Industrial Development

Applicant: Sharilene Jeff Judicial

Email (required): Stephenbetsitty@navajo-nsn.gov

Please submit the following:

- ☒ **Letter of Application or Cover Letter** including the intended use of the land and the exact acreage of the proposed undertaking.
- ☒ **Legal Survey or GPS coordinates** at each point indicating the location and total acreage to be withdrawn.
- ☒ **Supporting Chapter Resolution** with the inclusion of the resolution legal language as required in the Land Withdrawal Regulations (RDCJN—33-15).
- ☒ **Letter from Grazing Officer** stating there are no valid grazing permittees in the use area or gather grazing permittee consent.

By submitting the top four (4) requirements above will allow you to reserve the area for five (5) years until the environmental documentation is provided. ***You may NOT construct, operate and/or maintain during this time period.*** The Biological Resource Compliance Form and Cultural Resource Compliance Form must be submitted in order to complete the entire land withdrawal process for development.

- ☒ **Biological Resource Compliance Form (BRCF)** from Navajo Fish and Wildlife
- ☒ **Cultural Resource Compliance Form (CRCF)** from Navajo Heritage and Historic Preservation Department

If a Non-Navajo government entity, a lease and/or permit is required in addition to the designation

Incomplete packets will not be processed and will be returned to you

Judicial Branch of the Navajo Nation



JOANN B. JAYNE
Chief Justice of the Navajo Nation

STEPHEN B. ETSITTY
Administrative Director of the Courts

September 24, 2020

W. Mike Halona, Department Manager
Navajo Nation Land Department
P.O. Box 2249
Window Rock, AZ 86515

Mr. Halona:

Based on the Fort Defiance Chapter act of relinquishing to the Navajo Nation Judicial Branch 5.8 acres of land that it had withdrawn for its use, I am hereby requesting that the 5.8 acres from within Fort Defiance Chapter's Pickett Housing Area tract of land be withdrawn for the Navajo Nation Judicial Branch. For your reference see the enclosed letter from Mr. Daniel Yazza, Fort Defiance Chapter President, dated September 2, 2020.

I understand when our request for this land withdrawal is approved, that site control for the 5.8 acres will be transferred from the Fort Defiance Chapter to the Judicial Branch. The Judicial Branch will be using the 5.8 acres of land for the development and operations of the Window Rock District Court.

I thank you in advance for your consideration and for your immediate action on my request. If you have any questions, please contact Mr. Stephen B. Etsitty at x6762, or via email at stephenbetsitty@navjao-nsn.gov.

Sincerely,

A handwritten signature in cursive script, reading "JoAnn Jayne".

JoAnn B. Jayne,
Chief Justice

Enclosure

cc: Stephen B. Etsitty, NNJB-AOC
Verlena Hale, NNJB-WRDC
Daniel Yazza, Fort Defiance Chapter
Ed Preston, Division of Community Development
Chrono File



**THE NAVAJO NATION
FORT DEFIANCE CHAPTER**

P.O. Box 366 · Fort Defiance, Arizona 86504
Phone: (928) 729-4352 · Fax: (928) 729-4353
Email: fidefiance@navajochapters.org

Daniel Yazza, President
Aaron Sam, Vice-President
Brenda Wauneka, Secretary/Treasurer
Herman Billie, Grazing Official
Wilson Stewart, Jr., Council Delegate

JONATHAN NEZ
Navajo Nation President

MYRON LIZER
Navajo Nation Vice-President

September 2, 2020

JoAnn B. Jayne, Chief Justice
Navajo Nation Supreme Court
Post Office Box 520
Window Rock, Arizona 86515

Dear Honorable Chief Justice:

Fort Defiance Chapter has withdrawn a parcel of land known as the Pickett Housing Area for governmental use. This tract of land contains a total of 5.8 acres.

On June 9, 2019, the chapter approved Resolution FDC-2019-06-09-02 which supports the development of the Window Rock Judicial District Court building in Fort Defiance community. The community fully supports and approves the district court to place a modular building on the land for a period of ten years. We understand that the Window Rock Judicial District is also planning to construct a permanent court complex in the near future.

The Fort Defiance Chapter is pleased to assist the court in locating court operation here in the community and will continue to do so. We recognize the importance of the court's involvement in the Nation's government as essential. By this letter, we are assigning the 5.8 acres of land known as Pickett Housing area to the Navajo Nation Judicial Branch. Enclosed are copies of the above-referenced resolution and plat map.

If you have any questions related to this matter, please contact us at (928) 729-4352.

Sincerely,

Daniel Yazza, Chapter President

Lorraine Nelson, Chapter Manager

Cc: Chapter Officials
Wilson Stewart, Council Delegate



THE NAVAJO NATION
FORT DEFIANCE CHAPTER
P.O. Box 366, Fort Defiance, Arizona 86504
Phone: (928) 729-4352; Fax: (928) 729-4353
Email: ftdefiance@navajochapters.org

Larry Anderson, Sr., President
Aaron Sam, *Vice-President*
Brenda Wauneka, *Secretary/Treasurer*
Herman Billie, *Grazing Official*
Wilson C. Stewart, Jr., *Council Delegate*

JONATHAN NEZ
Navajo Nation President

MYRON LIZER
Navajo Nation Vice President

TO: Mike Halona, Director
Navajo Land Department

FROM:  06/12/19
Mr. Herman Billie, Grazing Officer
Fort Defiance Chapter Grazing Office

DATE: June 12, 2019

SUBJECT: Land Assignment/Transfer from Fort Defiance Chapter to Window Rock
Judicial District, Navajo Nation Judicial Branch

On June 9, 2019, the Fort Defiance Chapter passed the attached resolution (Resolution: FDC-2019-06-09-02) to assign 5.8 acres of land north of the Fort Defiance Chapter, known as the Pickett Housing area, for the Window Rock Judicial District, Navajo Nation Judicial Branch to site a modular building for the district court.

As the Grazing Official of the Fort Defiance Chapter, I am concurring on this land assignment/transfer identified for the Window Rock Judicial District/Navajo Nation Judicial Branch to establish a modular building to house the court personnel. This tract of land is clear of any home site and grazing use, and any other dispute or claim.

The land is withdrawn in the name of the Fort Defiance Chapter, and will be assigned/transferred to the Window Rock Judicial District/Navajo Nation Judicial Branch, as stated in Resolution #: FDC-2019-06-09-02.

Should you have any questions or need additional information, please contact me at 928-729-4352 or email address ftdefiance@navajochapters.org. Thank you.

cc: Lorraine Nelson, Ft. Defiance Chapter
Verlena Hale, Window Rock Judicial District
Stephen B. Etsitty, Navajo Nation Judicial Branch

Attachment (Resolution#: FDC=2019-06-09-02)



THE NAVAJO NATION
FORT DEFIANCE CHAPTER
P.O. Box 366, Fort Defiance, Arizona 86504
Phone: (928) 729-4352; Fax: (928) 729-4353
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Wilson C. Stewart, Jr., Council Delegate

JONATHAN NEZ
Navajo Nation President

MYRON LIZER
Navajo Nation Vice President

RESOLUTION OF FORT DEFIANCE CHAPTER

FDC-2019-06-09-02

Supporting and Approving the Assignment of the former Pickett Housing Area of 5.8 acres to Navajo Nation Window Rock Judicial District for a Temporary Period of not more than Ten (10) Years

WHEREAS:

1. Fort Defiance Chapter is a certified chapter of the Navajo Nation, in accordance with Navajo Nation Code 2, Sections 4001 and 4006, with authority to address concerns of its people, and
2. Fort Defiance Chapter was duly governance-certified on January 15, 2016, which provides autonomy in chapter's structure and governance, and
3. Navajo Nation Window Rock Judicial District had to vacate its former site at the old public safety/judicial branch building in Window Rock due to unsafe, unsanitary and hazardous condition caused by the deterioration of the building and had to be demolished. and
4. Navajo Nation Judicial District has to continue to provide judicial and public safety services to our growing community and surrounding communities, and
5. The former Pickett Housing area of 5.8 acres was officially relinquished by Bureau of Indian Affairs and returned to Navajo Nation and Fort Defiance Chapter; said site was previously utilized by BIA for its employees' housing, and
6. Fort Defiance Chapter recognizes and supports the importance of services which the Judicial District provides to communities.

NOW THEREFORE BE IT RESOLVED THAT:

1. Fort Defiance Chapter hereby supports and approves the use and assignment of the former Pickett Housing area of 5.8 acres to Navajo Nation Window Rock Judicial District for a temporary period of not more than ten (10) years.
2. Navajo Nation Window Rock Judicial District will collaborate with the chapter in assignment and development of the area in accordance with pertinent Fort Defiance Chapter Comprehensive Land Use Plan policies and Navajo Nation laws.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Fort Defiance Chapter at a duly called meeting at which a quorum was present and same was approved by a vote of 25 in favor, 0 opposed, and 2 abstained, this 9th day of June 2019. MOTIONED: Timothy Bazay SECONDED: Wilson Stewart, Jr.


Aaron Sam, Chapter Vice President

**BIOLOGICAL RESOURCES COMPLIANCE FORM
NAVAJO NATION DEPARTMENT OF FISH AND WILDLIFE
P.O. BOX 1480, WINDOW ROCK, ARIZONA 86515-1480**

It is the Department's opinion the project described below, with applicable conditions, is in compliance with Tribal and Federal laws protecting biological resources including the Navajo Endangered Species and Environmental Policy Codes, U.S. Endangered Species, Migratory Bird Treaty, Eagle Protection and National Environmental Policy Acts. This form does not preclude or replace consultation with the U.S. Fish and Wildlife Service if a Federally-listed species is affected.

PROJECT NAME & NO.: Window Rock Judicial District - Temporary Court Site

DESCRIPTION: A land assignment consisting of 5.8 acres for a modular office building for court personnel to continue providing service to the community. The land assignment has a term of up to ten (10) years.

LOCATION: E½ of Section 18, T27N, R31E, G&SRM, Fort Defiance, Apache County, Arizona

REPRESENTATIVE: Verlana Hale, Court Administrator, Window Rock Judicial District

ACTION AGENCY: Bureau of Indian Affairs and Navajo Nation

B.R. REPORT TITLE / DATE / PREPARER: Request for biological compliance/08 JUL 2019/Verlana Hale

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 4 - Community Development Area

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA


AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/09 JUL 2019

COPIES TO: (add categories as necessary)

☐
☐


2 NTC § 164 Recommendation:	Signature	Date
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditional Approval (with memo) <input type="checkbox"/> Disapproval (with memo) <input type="checkbox"/> Categorical Exclusion (with request letter) <input type="checkbox"/> None (with memo)	 Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife	7/10/19

<p>*I understand and accept the conditions of compliance, and acknowledge that lack of signature may be grounds for the Department not recommending the above described project for approval to the Tribal Decision-maker.</p>	
Representative's signature	Date

BIOLOGICAL RESOURCES COMPLIANCE FORM
NAVAJO NATION DEPARTMENT OF FISH AND WILDLIFE
P.O. BOX 1480, WINDOW ROCK, ARIZONA 86515-1480

It is the Department's opinion the project described below, with applicable conditions, is in compliance with Tribal and Federal laws protecting biological resources including the Navajo Endangered Species and Environmental Policy Codes, U.S. Endangered Species, Migratory Bird Treaty, Eagle Protection and National Environmental Policy Acts. This form does not preclude or replace consultation with the U.S. Fish and Wildlife Service if a Federally-listed species is affected.

PROJECT NAME & NO.: Window Rock Judicial District - Temporary Court Site

DESCRIPTION: A land assignment consisting of 5.9 acres for a modular office building for court personnel to continue providing service to the community. The land assignment has a term of up to ten (10) years.

LOCATION: E½ of Section 18, T27N, R31E, G&SRM, Fort Defiance, Apache County, Arizona

REPRESENTATIVE: Verlana Hale, Court Administrator, Window Rock Judicial District

ACTION AGENCY: Bureau of Indian Affairs and Navajo Nation

B.R. REPORT TITLE / DATE / PREPARER: Request for biological compliance/08 JUL 2019/Verlana Hale

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 4 - Community Development Area

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

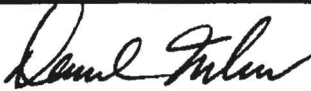
AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/09 JUL 2019

COPIES TO: (add categories as necessary)

☐
☐


2 NTC § 164 Recommendation: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditional Approval (with memo) <input type="checkbox"/> Disapproval (with memo) <input type="checkbox"/> Categorical Exclusion (with request letter) <input type="checkbox"/> None (with memo)	Signature  Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife	Date 7/10/19
--	--	------------------------

*I understand and accept the conditions of compliance, and acknowledge that lack of signature may be grounds for the Department not recommending the above described project for approval to the Tribal Decision-maker.	
Representative's signature	Date

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



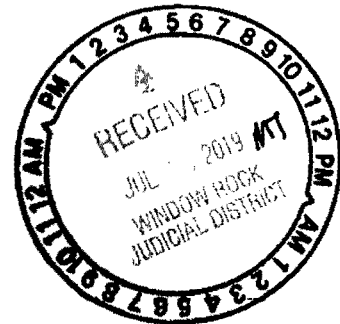
MEMORANDUM

TO : David Mikesic, Zoologist
Department of Fish and Wildlife
DIVISION OF NATURAL RESOURCES

FROM : *Gloria M. Tom*
Gloria M. Tom, Department Manager III
Department of Fish and Wildlife
DIVISION OF NATURAL RESOURCES

DATE : July 8, 2019

SUBJECT : DELEGATION OF AUTHORITY

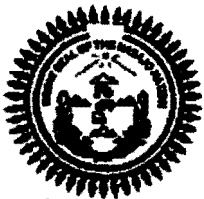


I will be on annual leave starting Wednesday, July 10, 2019 through Friday, July 12, 2019. Therefore, I am delegating you to act in the capacity of the Director, Department of Fish and Wildlife, effective Wednesday, July 10, 2019 at 8:00am and ending at 5:00pm on Friday, July 12, 2019.

Your authority will cover the review and signing off of all routine documents pertaining to the Department of Fish and Wildlife, except for issues that you feel should have the attention of the Director.

ACKNOWLEDGEMENT:

David Mikesic 7/10/19
David Mikesic, Zoologist
Department of Fish and Wildlife
DIVISION OF NATURAL RESOURCE



THE NAVAJO NATION
Heritage & Historic Preservation Department
P.O. Box 4950 • Window Rock, Arizona 86515
(928) 871-7198 (tel) • (928) 871-7886 (fax)



CULTURAL RESOURCE COMPLIANCE FORM

NNHHPD NO.: HPD-20-566

CONSULTANT REPORT NO.: DCD1 19-003

PROJECT TITLE: A Cultural Resource Inventory of the Navajo Nation Window Rock Judicial District Building in the Former RBDO IHS Pickett Housing Tract, Ft. Defiance Chapter, Apache County, Arizona.

LEAD AGENCY: BIA/NRO

SPONSOR: Verlana Hale, Window Rock Courts, PO Box 5520, Window Rock, AZ, 86515

PROJECT DESCRIPTION: The Navajo Nation is proposing a lease and construction of a modular building, installation of utilities, a parking lot and access road at the former RBDO IHS Pickett Housing Tract in Fort Defiance, Arizona. The area of effect is 5.957-acres.

PROJECT ARCHAEOLOGIST: Denise R.E. Copeland

NAVAJO ANTIQUITIES PERMIT NO.: NTC125 **DATE INSPECTED:** 10/6/2019

DATE OF REPORT: 9/9/2020

TOTAL ACREAGE INSPECTED: 5.957

METHOD OF INVESTIGATION: Class III pedestrian inventory with transects spaced 10 m apart

Number of Sites: 0

Number of Eligible Properties: 0

Number of Non-Eligible Properties: 0

Number of Unevaluated Properties: 0

Number of Burials: 0

Number of TCPs: 0

Number of Isolated Occurrences: 0

Number of In-Use Sites: 0

EFFECT/CONDITIONS OF COMPLIANCE: No Properties

PROCEED RECOMMENDED: Yes

CONDITIONS: No

In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at (928) 871-7198.

Form Prepared by: Tamara Billie

FINALIZED: 9/22/2020

NAVAJO NATION HERITAGE AND HISTORIC PRESERVATION DEPARTMENT


Richard M. Begay, Department Manager IAHPO


Date

NAVAJO REGION APPROVAL:

BARTHOLOMEW STEVENS

Digitally signed by BARTHOLOMEW STEVENS
Date: 2020.09.24 09:52:26 -06'00'

Bartholomew Stevens, Navajo Regional Director

Date

BIA- Navajo Regional Office

~ DOCUMENT IS VOID IF ALTERED ~

HPD Number.: HPD-20-566

LOCATION INFORMATION

LAND STATUS: NN Tribal Trust Land

STATE: AZ

DATUM: NAD83

ZONE: 12

<u>COUNTY</u>	<u>QUAD</u>	<u>UTM N</u>	<u>UTM E</u>
Apache	Window Rock, AZ	3957252	674386
		3957277	674296
		3957094	674248
		3957043	674338
		3957073	674364
		3957068	674369
		3957175	674395
		3957174	674387

<u>CHAPTER</u>	<u>Township</u>	<u>Range</u>	<u>Sections</u>
Fort Defiance	T27N	R31E	18

~ DOCUMENT IS VOID IF ALTERED ~

COPY

ARCHAEOLOGICAL INVENTORY REPORT DOCUMENTATION PAGE (HPD 2010)

HPD-20-566

1. HPD REPORT NO.:		3. FIELDWORK DATE(S): October 6, 2019	
2. TITLE OF REPORT: A Cultural Resource Inventory of the Navajo Nation Window Rock Judicial District Building in the Former RBDO IHS Pickett Housing Tract, Ft. Defiance Chapter, Apache County, Arizona		4. REPORT DATE(S): November 13, 2019	
AUTHOR(S): Denise R.E. Copeland		6. PERMIT NO.: NTC 125	
5. CONSULTANT NAME AND ADDRESS: Gen. Charge: Denise R.E. Copeland, Principal Archaeologist Org. Name: Capital Projects Management Department Org. Address: P.O. Box 335 Fruitland, New Mexico 87416 Phone: 505 368-1059		7. CONSULTANT REPORT NO.: DCD1 19-003	
8. SPONSOR NAME AND ADDRESS: Ind. Responsible: Verlena Hale, Court Administrator Org. Name: Window Rock Courts Org. Address: P.O. Box 5520 Window Rock, Arizona 86515 Phone: 928 871-6626 Email: verlenahale@navajo-nsn.gov		9. SPONSOR PROJECT NO.:	
10. AREA OF EFFECT: 5.957 ac		AREA SURVEYED: 5.957 ac	
11. LOCATION (MAP ATTACHED):			
a. Chapter: <u>Ft. Defiance</u>	f. UTM Center: NAD 83, Zone 12, See Page 2 for Table		
b. Agency: <u>Ft. Defiance</u>	g. Legal: T 27 N R 31 E ¼ of Sec 18 <u>GSRM</u>		
c. County: <u>Apache</u>	h. 7.5' USGS Map(s): _____		
d. State: <u>Arizona</u>	i. Lead Agency: <u>BIA/Navajo Region</u>		
e. Land Status: <u>Tribal Trust</u>			
12. REPORT ATTACHMENTS:			
a. Description of Undertaking: The undertaking consists of 5.957 acres for the Navajo Nation Window Rock Judicial District Building in the Former RBDO IHS Pickett Housing Tract. The Navajo Nation Window Rock Judicial District proposes to develop the tract for the construction of the Window Rock Judicial District building. Ground disturbing activities will be extensive which include placement of a modular building, the installation of utilities and the construction of a parking lot and an access road. Funding is from the CARES Act.			
b. Existing Data Review: As part of this project, the archival data of NNHPD in Window Rock were consulted. Projects NPS 70-007, 76-014, NTM 79-062, BLL-1, BLL-2, 84-507, 85-484, NTM 89-228, and NA-13-613 and were recorded on the NNHPD maps within 1 km of the current project. The TCP maps were reviewed on September 1, 2020 and 4 TCP's were identified.			
c. Area Environmental and Cultural Setting: The project area is found on a level area located approximately 200 ft northeast of the Fort Defiance Chapter House and 200 ft west of the Good Shepherd Mission. Bonito Creek is located 1,000 ft to the southeast of the project area which flows to the southeast into Black Creek. The vegetation includes Chinese elm trees, prickly pear cactus, wild mustard and various grasses. The project area was part of the former PHS Camp Pickett Housing area			
d. Field Methods: Ms. Verlena Hale, Court Administrator, provided a legal survey of the project area, the project area plotted on Google map. The project area had an old legal survey for the RBDO IHS Pickett Housing tract at the time of the inventory. The project area is bounded by roads and fences. The investigation was conducted by (100%) a Class III level pedestrian inventory of east-west transects spaced 15 m apart on October 22, 2019 and a total of 5.957 ac was inventoried. The author interviewed Ms. Lorraine Nelson, Ft. Defiance CSC on October 22, 2019 regarding TCP's. No TCP's were identified in or near the project area.			
13. CULTURAL RESOURCE FINDINGS:			
a. Location/Identification of Each Resource: The project area is part of housing known as PHS Camp Pickett, once contained a total of 50 residential housing units that were briefly occupied by Navajo Area Indian Health Service (IHS) staff and their families. Based on a review of available records as part of the (see Page 2 for additional information)			
b. Evaluation of Significance of Each Resource: No historic properties will be affected by the project.			
14. MANGEMENT SUMMARY (RECOMMENDATIONS): A notice to proceed for the undertaking is recommended.			
15. CERTIFICATION:			
SIGNATURE: <u>Denise R.E. Copeland</u>		September 9, 2020	
General Charge Name: Denise R.E. Copeland		Date	

11. LOCATION (MAP ATTACHED):

f. UTM: Zone 12 NAD 83

NE Corner/BOP	N 39 57 252.5	E 6 74 386.2
NW Corner	N 39 57 277.9	E 6 74 296.5
SW Corner	N 39 57 094.4	E 6 74 248.9
SE Corner	N 39 57 043.1	E 6 74 338.2
Angle	N 39 57 073.0	E 6 74 364.0
Angle	N 39 57 068.1	E 6 74 369.9
Angle	N 39 57 175.7	E 6 74 395.0
Angle	N 39 57 174.8	E 6 74 387.5

13. CULTURAL RESOURCE FINDINGS: (Continued)

- a. Location/Identification of Each Resource:** performance of a Phase I Environmental Site Assessment (ESA) conducted by Iiná bá (April 2016). The subject property was occupied for a period not exceeding 13 years between approximately 1963 to before 1976. It is understood that utilities consisting of electricity, water, and sewer previously existed on the property prior to IHS occupation. Upon departure, IHS removed all surface features resulting from their occupation, leaving the utilities in place (Iiná bá Letter 2016). In 2016-2017, the asbestos-containing (transite) water pipes were removed from the site. The USGS Window Rock, Arizona-New Mexico Quad a total of 28 structures on the map but no structural remains of the buildings remain on the proposed area. The site area was checked on the Google Earth Pro time lapse feature. The earliest satellite image available is 1997 no structures in the proposed project are shown in the image. Paved roads and powerlines remain in the project area. The entire surface of the project tract has been heavily disturbed.

Three TCP's are located near the project and include 129, 396, and 4856. The TCP's are not located within project and should not be affected by the proposed project.

- b. Evaluation of Significance of Each Resource:** The PHS Camp Pickett lacks structural integrity and is not eligible for inclusion into the National Register of Historic Places. The PHS Camp Pickett is less than 100 years and are not of archaeological interest and do not warrant protection under ARPA. The PHS Camp Pickett does not have any known sacred religious significance to warrant protection under the ARFA. No historic properties will be affected by the project.

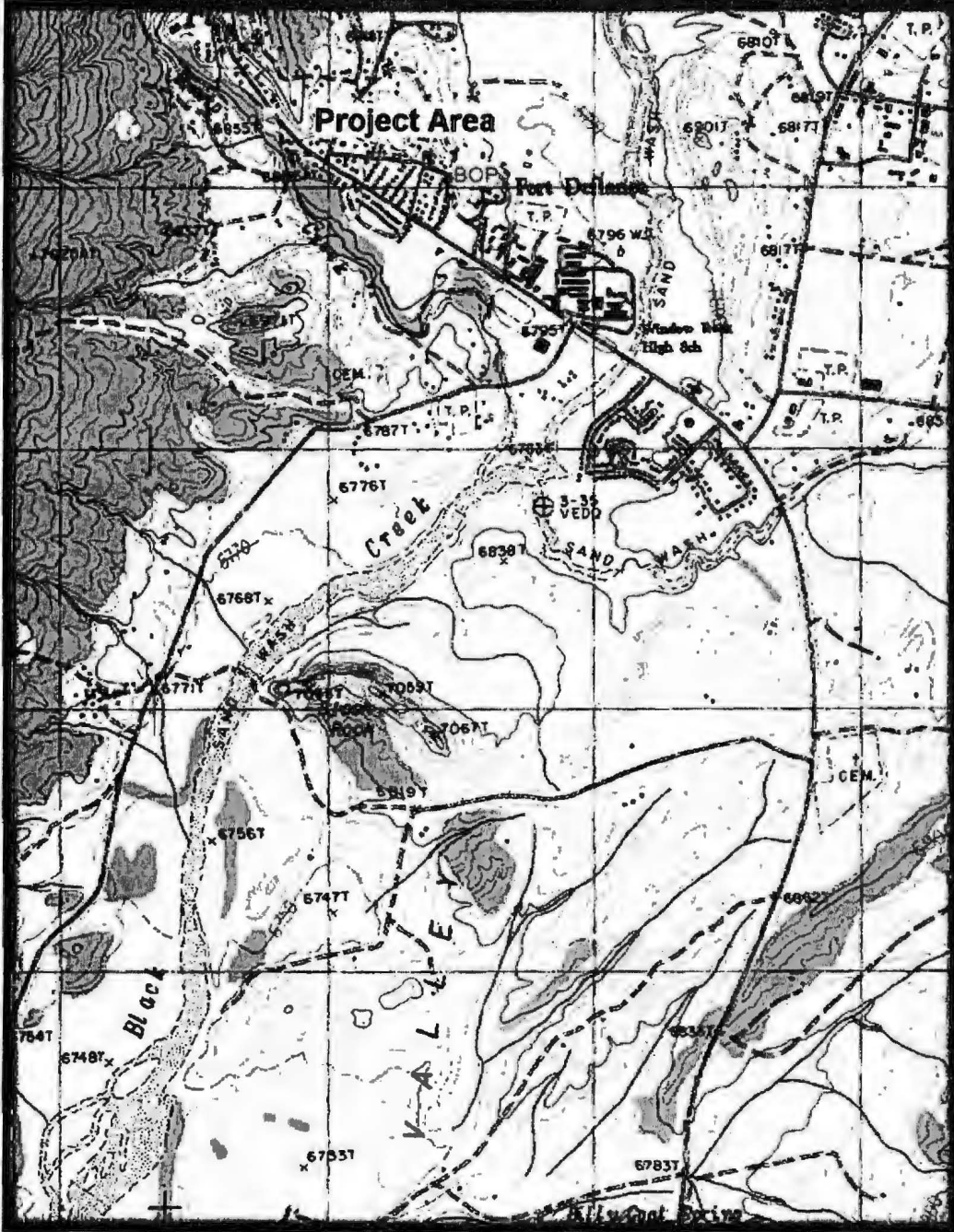


Figure 1: Locational Map showing the proposed project area. USGS Quad Map Window Rock, AZ-NM PE 1982

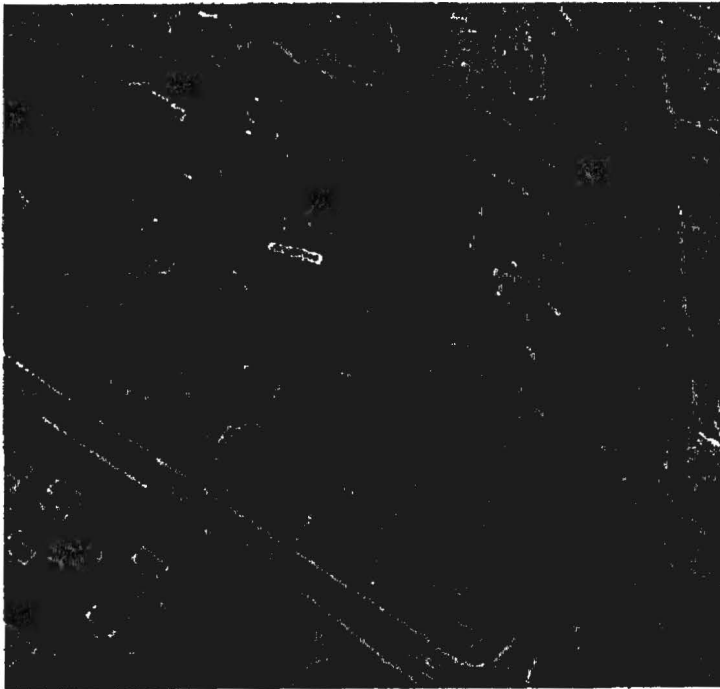


Figure 2: Google Earth Pro
Time Lapse Satellite Image
from October 1997. DCD1
19-002

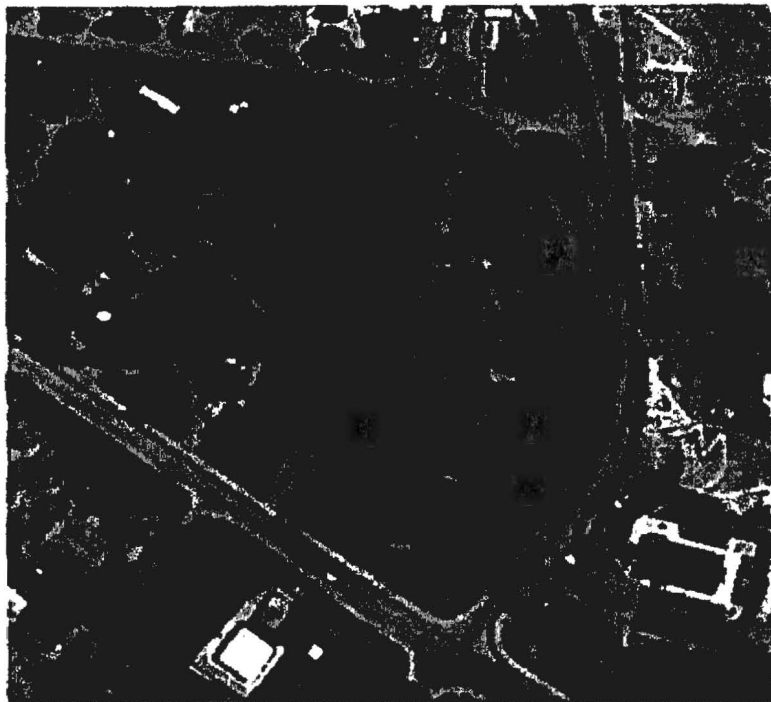
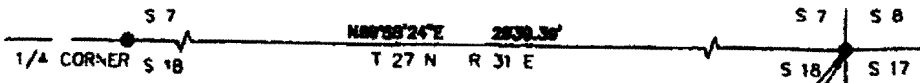
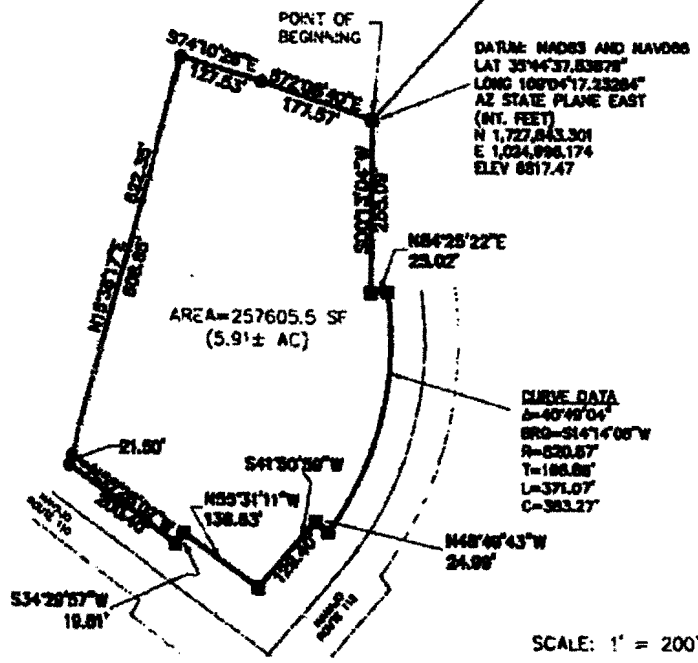


Figure 3: Google Earth Pro Time Lapse
Satellite Image from June
2007. DCD1 19-002



LEGEND:

- FOUND BLM CADASTRAL BRASS CAP
- FOUND BIA BRASS CAP ROW MONUMENT
- FOUND 5/8" REBAR
- ⊙ SET 5/8" REBAR, LS 11758
- FENCE LINE



LEGAL DESCRIPTION:

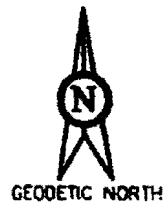
A PARCEL OF LAND SITUATED IN THE EAST HALF (1/2) OF SECTION 18, TOWNSHIP 27 NORTH, RANGE 31 EAST, GILA & SALT RIVER MERIDIAN, IN THE VICINITY OF FT. DEFANCE, APACHE COUNTY, STATE OF ARIZONA, ON THE NAVAJO INDIAN RESERVATION AND IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 18, CORNER BEING MONUMENTED WITH A UNITED STATES BUREAU OF LAND MANAGEMENT CADASTRAL SURVEY BRASS CAP, THENCE S 42°30'00" W, A DISTANCE OF 3,200.00 FEET TO A BIA BRASS CAP MONUMENT (BIA BOM) ON THE WESTERLY RIGHT OF WAY (ROW) OF NAVAJO ROUTE 112 AND THE TRUE POINT OF BEGINNING FOR THIS PARCEL, THENCE S 00°13'04" W, ALONG SAID (ROW), A DISTANCE OF 253.00 FEET TO A (BIA BOM), THENCE N 84°25'22" E, A DISTANCE OF 25.02 FEET, TO A (BIA BOM), ALONG SAID (ROW), TO A POINT ON A CURVE, SAID CURVE HAVING A CENTRAL ANGLE OF 40°49'04", A RADIUS OF 620.87 FEET, A CHORD BEARING OF S 14°14'08" W AND A CHORD DISTANCE OF 383.27 FEET, THENCE ALONG SAID (ROW) AND CURVE TO THE RIGHT A DISTANCE OF 371.07 FEET TO A (BIA BOM), THENCE N 48°48'43" W, ALONG SAID (ROW), A DISTANCE OF 24.98 FEET TO A (BIA BOM), THENCE S 41°30'38" W, ALONG SAID (ROW), A DISTANCE OF 138.40 FEET TO A (BIA BOM), THENCE N 56°31'11" W, ALONG SAID (ROW), A DISTANCE OF 138.83 FEET TO A (BIA BOM), THENCE S 34°28'57" W, ALONG SAID (ROW), A DISTANCE OF 18.81 FEET TO A (BIA BOM), THENCE N 65°26'02" W, ALONG SAID (ROW), A DISTANCE OF 200.40 FEET TO A 5/8" REBAR TAGGED LS 11758, THENCE N 152°01'17" E, A DISTANCE OF 622.35 FEET TO 5/8" REBAR, NO TAG, THENCE S 74°10'28" E, A DISTANCE OF 127.83 FEET TO A 5/8" REBAR TAGGED LS 11758, THENCE S 72°08'40" E, A DISTANCE OF 177.97 FEET BACK TO THE TRUE POINT OF BEGINNING FOR THIS PARCEL. SAID PARCEL CONTAINS 5.91 ACRES MORE OR LESS AND IS SUBJECT TO ANY AND ALL EXISTING EASEMENTS, FOR UNDERGROUND UTILITIES LOCATED WITHIN.

SURVEYED BY Rnd' 66' NOVEMBER 18, 2010.

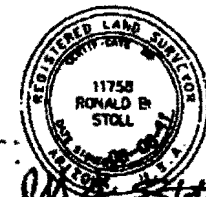
GENERAL NOTES

1. THIS SURVEY WAS PERFORMED BASED UPON THE INFORMATION AND REQUIREMENTS AS PROVIDED BY CLIENT.
2. BASIS OF BEARING IS GEODETIC BASED ON GPS OBSERVATION.
3. THE COORDINATES SHOWN HEREIN ARE USED FOR NAVIGATIONAL PURPOSES ONLY.
4. AREA: SUBJECT PROPERTY CONTAINS 5.91 ± ACRES.



SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECTION AND SUPERVISION DURING THE MONTH OF NOVEMBER 2010.



RONALD E. STOLL, LS 11758

ina ba

4000 W. BENTLEY
SUITE 1100
TAMPA, FL 33606
TEL: (813) 887-1070
FAX: (813) 887-1077

RECD
MS ROBERT HOISING TRACT
LIFT & ADD TO
FRANK DEAN HOISING TRACT
DEED #10
S. & J. OF THE 1000 BLM, GILDA
FLORISSA, ARIZONA COUNTY, ARIZONA



THE NAVAJO NATION
FORT DEFIANCE CHAPTER
P.O. Box 366, Fort Defiance, Arizona 86504
Phone: (928) 729-4352; Fax: (928) 729-4353
Email: fdefiance@navajochapters.org

Larry Anderson, Sr., President
Aaron Sam, Vice-President
Brenda Wauneka, Secretary/Treasurer
Herman Billie, Grazing Official
Wilson C. Stewart, Jr., Council Delegate

JONATHAN NEZ
Navajo Nation President

MYRON LIZER
Navajo Nation Vice President

RESOLUTION OF FORT DEFIANCE CHAPTER

FDC-2019-06-09-02

Supporting and Approving the Assignment of the former Pickett Housing Area of 5.8 acres to Navajo Nation Window Rock Judicial District for a Temporary Period of not more than Ten (10) Years

WHEREAS:

1. Fort Defiance Chapter is a certified chapter of the Navajo Nation, in accordance with Navajo Nation Code 2, Sections 4001 and 4006, with authority to address concerns of its people, and
2. Fort Defiance Chapter was duly governance-certified on January 15, 2016, which provides autonomy in chapter's structure and governance, and
3. Navajo Nation Window Rock Judicial District had to vacate its former site at the old public safety/judicial branch building in Window Rock due to unsafe, unsanitary and hazardous condition caused by the deterioration of the building and had to be demolished, and
4. Navajo Nation Judicial District has to continue to provide judicial and public safety services to our growing community and surrounding communities, and
5. The former Pickett Housing area of 5.8 acres was officially relinquished by Bureau of Indian Affairs and returned to Navajo Nation and Fort Defiance Chapter; said site was previously utilized by BIA for its employees' housing, and
6. Fort Defiance Chapter recognizes and supports the importance of services which the Judicial District provides to communities.

NOW THEREFORE BE IT RESOLVED THAT:

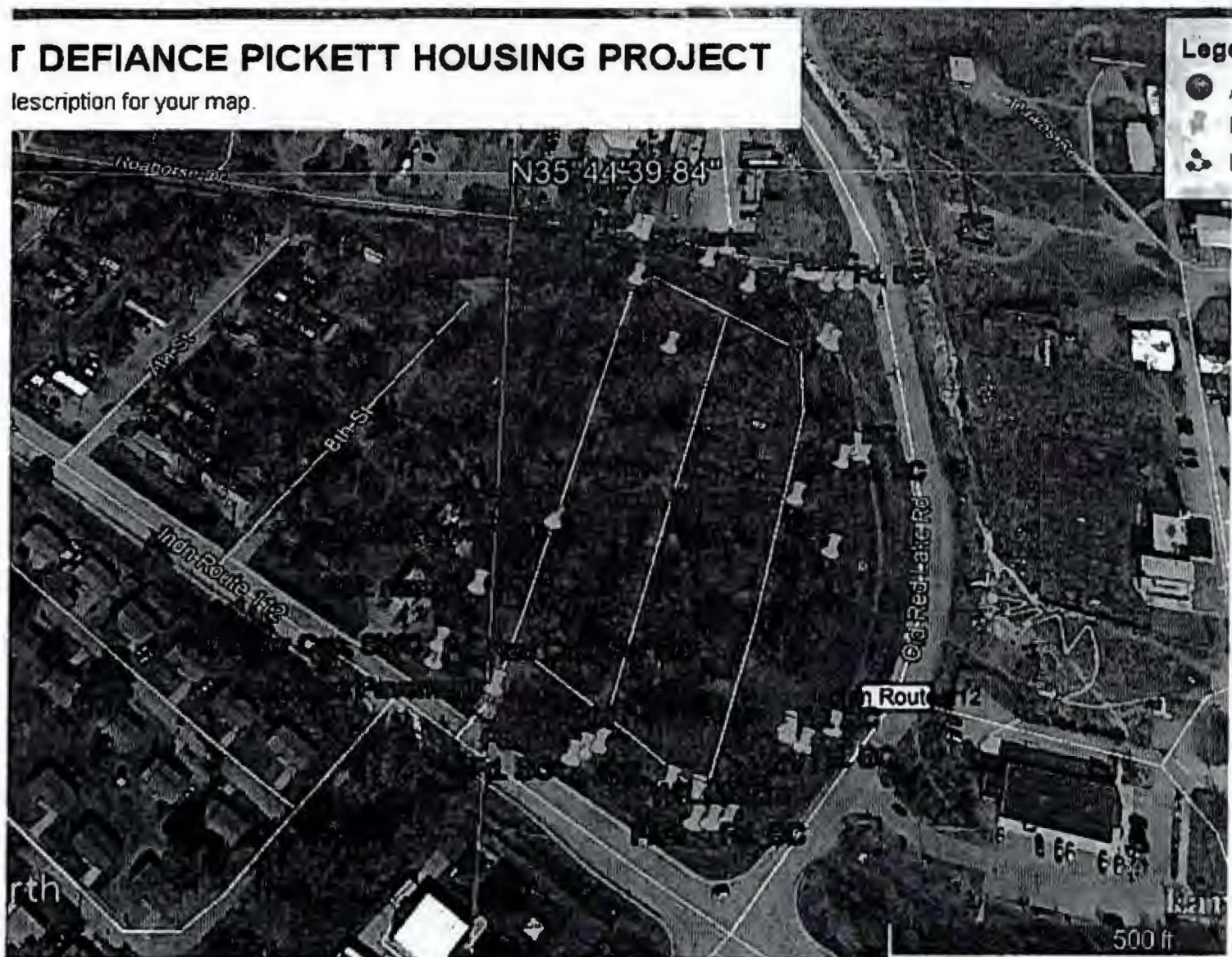
1. Fort Defiance Chapter hereby supports and approves the use and assignment of the former Pickett Housing area of 5.8 acres to Navajo Nation Window Rock Judicial District for a temporary period of not more than ten (10) years.
2. Navajo Nation Window Rock Judicial District will collaborate with the chapter in assignment and development of the area in accordance with pertinent Fort Defiance Chapter Comprehensive Land Use Plan policies and Navajo Nation laws.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Fort Defiance Chapter at a duly called meeting at which a quorum was present and same was approved by a vote of 25 in favor, 0 opposed, and 2 abstained, this 9th day of June 2019. MOTIONED: Tipothy Bazay SECONDED: Wilson Stewart, Jr.

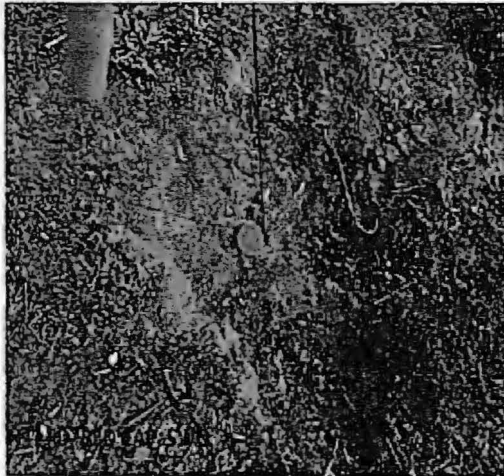
Aaron Sam
Aaron Sam, Chapter Vice President

description for your map.



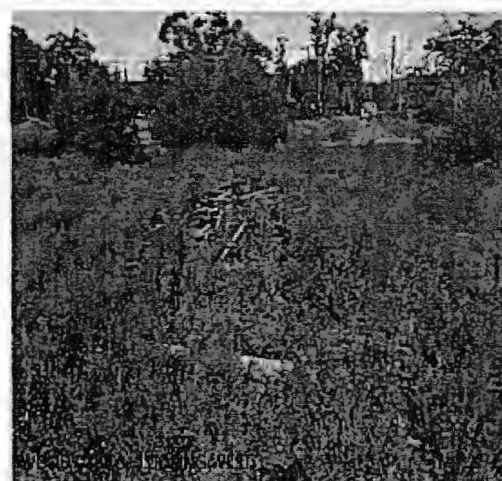
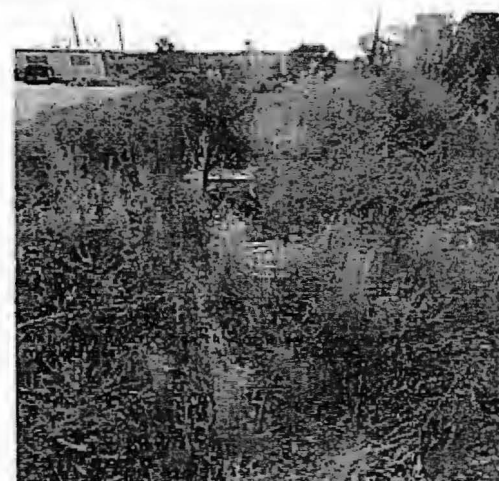
FORT DEFIANCE PICKETT HOUSING PROJECT

8-19-20



FORT DEFIANCE PICKETT HOUSING PROJECT

8-19-20



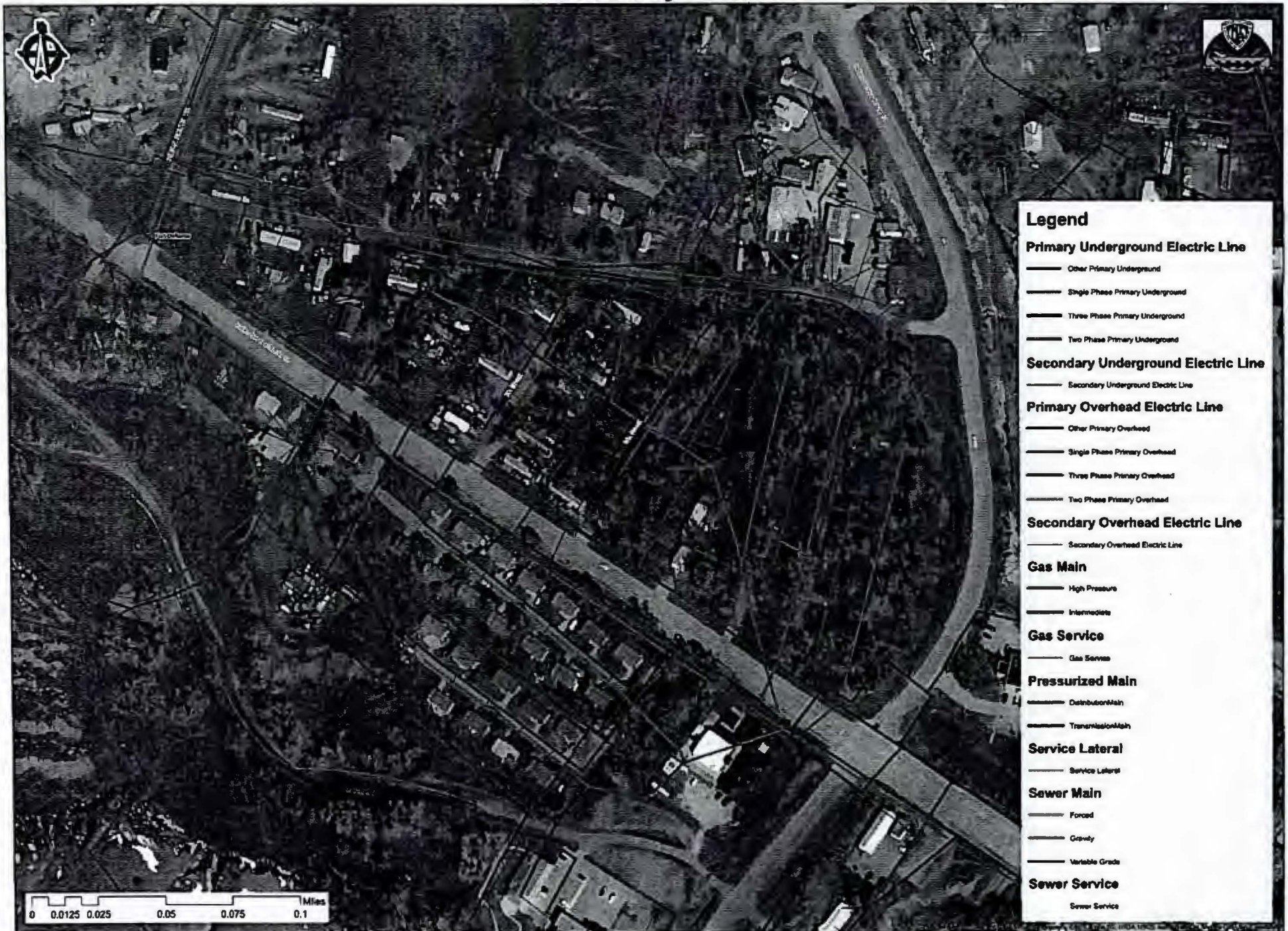
Pg. #3

FORT DEFIANCE PICKETT HOUSING PROJECT

8-19-20



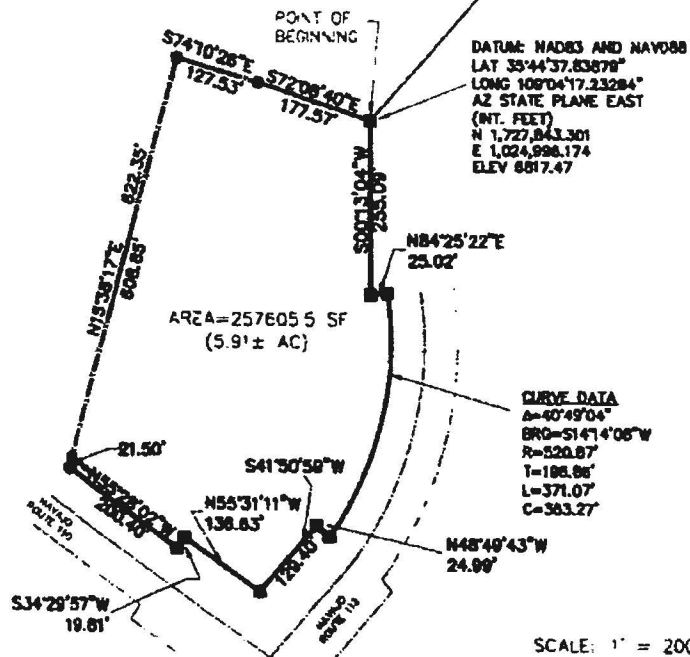
NTUA Utility Lines



S 7
1/4 CORNER S 18
N88°58'24"E 2838.38'
T 27 N R 31 E
S 7 S 8
S 18 S 17

LEGEND:

- FOUND BLM CADASTRAL BRASS CAP
- FOUND BIA BRASS CAP ROW MONUMENT
- ⊙ FOUND 5/8" REBAR
- ⊙ SET 5/8" REBAR, LS 11758
- FENCE LINE



LEGAL DESCRIPTION:

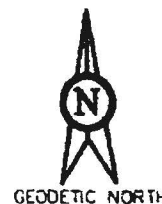
A PARCEL OF LAND SITUATED IN THE EAST HALF (1/2) OF SECTION 18, TOWNSHIP 27 NORTH, RANGE 31 EAST, GILA & SALT RIVER MERIDIAN, IN THE VICINITY OF FT. DEFANCE, APACHE COUNTY, STATE OF ARIZONA, ON THE NAVAJO INDIAN RESERVATION AND IS DESCRIBED AS FOLLOWS:

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SURVEYED BY: RND E STOLL NOVEMBER 18, 2010.

GENERAL NOTES

1. THIS SURVEY WAS PERFORMED BASED UPON THE INFORMATION AND REQUIREMENTS AS PROVIDED BY CLIENT.
2. BASIS OF BEARING IS GEODETIC BASED ON GPS OBSERVATION.
3. THE COORDINATES SHOWN HEREON ARE USED FOR NAVIGATIONAL PURPOSE USES ONLY.
4. AREA: SUBJECT PROPERTY CONTAINS 5.91 ± ACRES.



SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECTION AND SUPERVISION DURING THE MONTH OF NOVEMBER 2010.



RONALD E. STOLL, LS 11758

		<p>RECD HIS PICKETT HOLDING TRACT 2.87 ± ACRES NAVAJO INDIAN RESERVATION DISTRICT #18 E N. OF SEC. 18 T27N R31E, GILDA FLEWANCE, APACHE COUNTY, ARIZONA</p>
--	--	---

EXP: 08/30/2013



5/27/2020 0:00

Window Rock District Court
Verlena Hale

Window Rock, AZ

Verlena Hale

We thank you very much for this opportunity to submit an estimate on your new building needs. Enclosed please find the pricing, specifications and floorplan sheets for your review. Please review the scope of work and the specifications carefully to ensure we have included everything you requested. If an item is not listed it is excluded. Thank you for your consideration, we look forward to working with you.

112'X72' Court House Building	\$957,351.21
36'X72' Probation Office	\$488,414.00
Sub Total:	\$1,445,765.21
Sales Tax:	\$86,745.91
Grand Total:	\$1,532,511.12

Exclusions: Anything not listed

Pricing is good for 30 days from the date of the quote. Plus applicable sales tax.

Terms: 10% down (to start the drawings), 45% on line, 35% off-line, 10% upon substantial completion (terms spelled out in Modular Solutions' standard contract). All punch list items on the substantial completion form will be completed within 30 days. Payment will not be held up from Modular Solutions Ltd. due to work performed by others (i.e. utility connections, permits, etc.).

SIGN BELOW TO ACCEPT THIS PROPOSAL

(After signing, this document will become Attachment A of Modular Solutions' standard Contract)

Modular Solutions, Ltd

CONTRACTOR

PO Box 15507

ADDRESS

Phoenix, AZ 85060

CITY, STATE, ZIP

By: _____

Title: _____

Sales/Estimating

Window Rock District Court

CUSTOMER

ADDRESS

Window Rock, AZ

CITY, STATE, ZIP

By: _____

Verlena Hale

(AUTHORIZED AGENT)

Title: _____

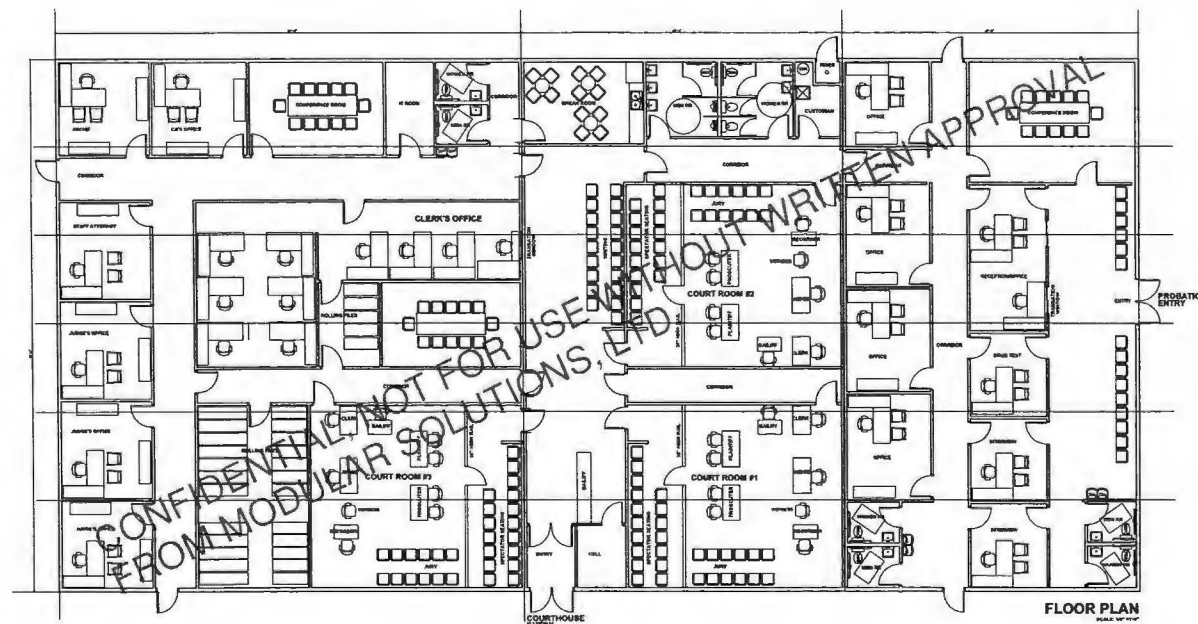
CONSTRUCTION NOTES			
PREMIER CHASSIS	FLOOR	EXTERIOR WALL	INTERIOR WALL
DIMENSION (S) 11'-0" x 19'-0" DIMENSION (S) 11'-0" x 19'-0" C-BEAM 11/2" x 10" x 8" DITCH 1/2" x 10" x 8" AXIL 1/2" x 10" x 8" W-R 1/2" x 10" x 8" TIES 1/2" x 10" x 8" SPECIAL NOTES	JOISTS 2X10 18" #2 SPACING 12" OC FLOOR LOAD 100 LB. COURTROOM, CORRIDORS, FILES FLOOR LOAD 50 LB. OFFICES SHEATHING 1/2" T&G OSB INSULATION R-30 UNFACED VAPOR RETARDER EVERBLY HOUSE WRAP BOTTOM CLOSER SPECIAL NOTES RELOC. CLIMATE ZONE 5B	STUDS 2x6 18" #2 SPACING 16" o.c. BALLOON ENDWALLS FILL SICKWALLS TOP PLATE 100 LB. 2x TOP PLATE INSULATION R-19 FACED SHEATHING 1/2" T&G OSB VAPOR RETARDER EVERBLY HOUSE WRAP SINGING MADE FIBER CEMENT SING SPECIAL NOTES MAWAJO COUNTY RELOC. CLIMATE ZONE 5B	STUDS 2x4 18" STUD GRID SPACING 16" o.c. HEIGHT BOTTOM OF ROOF JOISTS SOUND WALLS TOP PLATE NON-BEARING SINGLE INSULATION R13 SOUND BATTIS SPECIAL NOTES ONE HOUR WALL AT KITCHEN SEE DETAILS 1, 2, 3, 6 & 7 DRAWING A1.7
ROOF	MOD-LINE RIDGE B'M	CLEAR SPAN	ACCESSORIES
ROOF BUILD-UP 2 PLY COLOR TBD ROOF LOAD 40 LB. LNK. LOAD ROOF JOISTS 2x8 18" #2 @ 16" OC	TYPE NA MATERIAL NA GLULAM BEAM SIZE NA NOTES CLOSE-UP PREP. HARD CLOSE UP YES SOFT CLOSE UP N/A SPECIAL NOTES	ROOF CENTER R/C NA REEL H/ NA POST SIZE NA SPRKLR SYTEM YES FIRE ALARM SYSTEM YES SETUP TYPE CMU FOUNDATION WALL SPECIAL NOTES	MISC.
POST IDENTIFICATION			
1. ANY ITEMS CROSSING THE MOD-LINE ARE TO BE SHIPPED LOOSE AND INSTALLED ON SITE 2. ALL DIMENSIONS ARE FROM FACE OF STUD, UNLESS NOTED OTHERWISE			

PROJECT ADDRESS:

COURT HOUSE/PROBATION
FORT DEFIANCE, ARIZONA

BUILDING DESIGN SUMMARY

- CODES: 2009 IBC, 2009 IPC, 2009 IMC, 2008 NEC, 2009 EGC, 2009 ICC, GROUP A-3 (ASSEMBLY, GROUP B (OFFICE))
- OCCUPANCY: 2009 IBC, 2009 IPC, 2009 IMC, 2008 NEC, 2009 EGC, 2009 ICC, GROUP A-3 (ASSEMBLY, GROUP B (OFFICE))
- CONSTRUCTION TYPE: V-B
BUILDING AREA: COURTHOUSE 8574 SF - PROBATION 3220 SF
ROOF AREA: COURTHOUSE 8574 SF - PROBATION 3220 SF
TOTAL AREA: 11794 SF
- OCCUPANCY LOAD: GROUP A-3/15 SF OCCUPANT, GROUP B/100 SF OCCUPANT
- HANDICAP REQUIREMENTS: ANSI A117.1-2003
- DESIGN LOADS: 100 LBS/SF GROUP A-3, CORRIDORS, FILES, 50 LBS/SF (OFFICES), 90 MPH EXPOSURE 'C', SITE CLASS 'D', DESIGN CAT. 'B'
- STANDARD STRUCTURAL APPROVAL: E-MS 30
- ELECTRICAL SYSTEM: AS SHOWN
- PLUMBING SYSTEM: AS SHOWN
- MECHANICAL SYSTEM: AS SHOWN
- EMERGENCY LIGHTS: YES
- EXT. SIGNS: YES
- FIRE SPRINKLERS: YES
- FIRE ALARM SYSTEM: YES
- UNIFIED SOIL CLASSIFICATION SYSTEM: MINIMUM SOIL BEARING PRESSURE 1,500 LBS PER SF.
ALLOWABLE SOILS (USCS SYMBOL): CL, CP, CM, GC, SW, SP, SM, SC, COARSE-GRAINED SOILS (SIZE OF MORE OF MATERIALS IS LARGER THAN NO. 200 SIEVES SIZE), NOT ALLOWABLE SOILS (USCS SYMBOL): ML, CL, OL, MH, CH, OH, PT, FINE-GRAINED SOILS (SIZE OF MORE OF MATERIALS IS SMALLER THAN NO. 200 SIEVES SIZE).



REVISIONS	DATE	BY
1	11/21/2018	
2		
3		
4		
5		

COURTHOUSE/PROBATION
FORT DEFIANCE, ARIZONA

PROJECT ADDRESS:

Modular Solutions, Ltd.
The Complete Modular Building Company

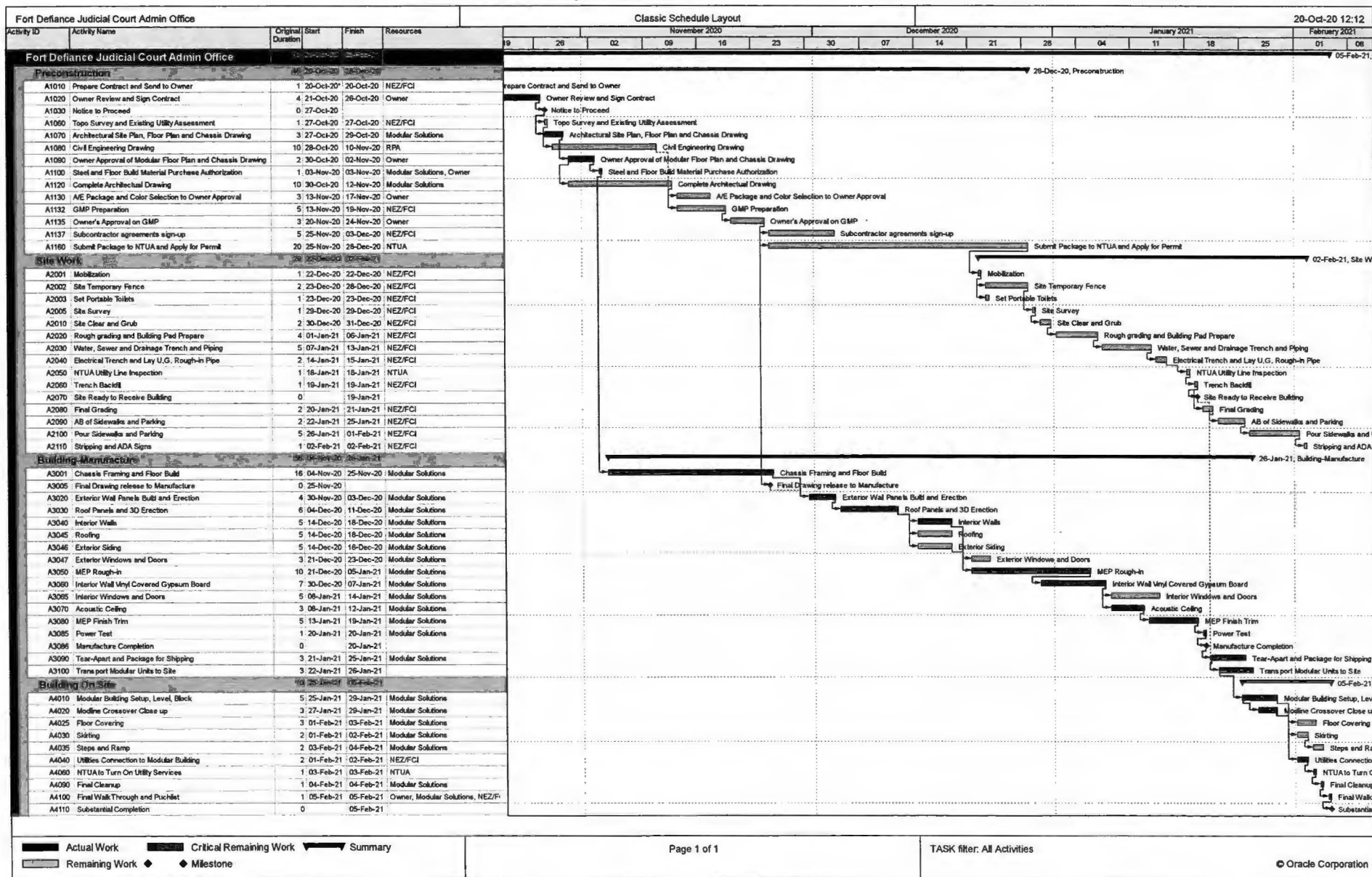
PHYSICAL: 6408 S. 43RD AVE., PHOENIX, AZ 85066
PHONE: (602) 952-9741
FAX: (602) 952-9741

Modular Solutions, Ltd.
The Complete Modular Building Company

PROJECT: 11058WPC
DATE: JULY 22, 2020
CONTACT: JOHN COOPER

A1.1

Exhibit #1 - Project Schedule



DRAFT AIA® Document A141™ - 2014

Standard Form of Agreement Between Owner and Design-Builder

AGREEMENT made as of the ~~«XX»~~22nd day of ~~«October»~~January in the year «2020»
(In words, indicate day, month and year.)

BETWEEN the Owner:
(Name, legal status, address and other information)

«~~Chaco Canyon Community School~~ Navajo Nation Capital Projects Maintenance
Department »
«Navajo Route 1» Navajo Nation Administration Bldg Bldg. #2296, 2nd Floor, P.O. Box
2240-1510 »
«~~Chaco Canyon Community School~~ Window Rock, AZ 86597-86515 »

and the Design-Builder:
(Name, legal status, address and other information)

«NEZ/FCI Native American, LLC »
«P.O. Box 2176 »
«Litchfield, AZ 85340 »

for the following Project:
(Name, location and detailed description)

«~~Chaco Canyon Community School~~ Navajo Nation Family Courts
Intersection IR-42 and IR-14NW Corner, Km Carson Dr & Old Red Lake Rd
«~~Chaco Canyon Community School~~ Fort Defiance, AZ 8650786504 »

The Owner and Design-Builder agree as follows.

ADDITIONS AND DELETIONS:
The author of this document
has added information
needed for its completion.
The author may also have
revised the text of the
original AIA standard form.
An Additions and Deletions
Report that notes added
information as well as
revisions to the standard
form text is available from
the author and should be
reviewed.

This document has important
legal consequences.
Consultation with an
attorney is encouraged with
respect to its completion
or modification.

Consultation with an
attorney is also encouraged
with respect to
professional licensing
requirements in the
jurisdiction where the
Project is located.

Formatted: Superscript

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violation of copyright laws
as set forth in the footer of
this document.

TABLE OF ARTICLES

- 1 GENERAL PROVISIONS
- 2 COMPENSATION AND PROGRESS PAYMENTS
- 3 GENERAL REQUIREMENTS OF THE WORK OF THE DESIGN-BUILD CONTRACT
- 4 WORK PRIOR TO EXECUTION OF THE DESIGN-BUILD AMENDMENT
- 5 WORK FOLLOWING EXECUTION OF THE DESIGN-BUILD AMENDMENT
- 6 CHANGES IN THE WORK
- 7 OWNER'S RESPONSIBILITIES
- 8 TIME
- 9 PAYMENT APPLICATIONS AND PROJECT COMPLETION
- 10 PROTECTION OF PERSONS AND PROPERTY
- 11 UNCOVERING AND CORRECTION OF WORK
- 12 COPYRIGHTS AND LICENSES
- 13 TERMINATION OR SUSPENSION
- 14 CLAIMS AND DISPUTE RESOLUTION
- 15 MISCELLANEOUS PROVISIONS
- 16 SCOPE OF THE AGREEMENT

TABLE OF EXHIBITS

- A DESIGN-BUILD AMENDMENT
- B INSURANCE AND BONDS
- C SUSTAINABLE PROJECTS

ARTICLE 1 GENERAL PROVISIONS

§ 1.1 Owner's Criteria

This Agreement is based on the Owner's Criteria set forth in this Section 1.1.

(Note the disposition for the following items by inserting the requested information or a statement such as "not applicable" or "unknown at time of execution." If the Owner intends to provide a set of design documents, and the requested information is contained in the design documents, identify the design documents and insert "see Owner's design documents" where appropriate.)

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User Notes:

(3B9ADA36)

THE NAVAJO NATION PROGRAM BUDGET SUMMARY

Page 1 of 2
BUDGET FORM 1

PART I. Business Unit No.: <u>NEW</u>		Program Title: <u>Window Rock Judicial District</u>		Division/Branch: <u>Judicial</u>	
Prepared By: <u>Verlena Hale</u>		Phone No.: <u>928-871-6626</u>		Email Address: <u>verlenahale@navajo-nsn.gov</u>	
PART II. FUNDING SOURCE(S)	Fiscal Year Term	Amount	% of Total	PART III. BUDGET SUMMARY	
Judicial Public Safety Funds	9/1/20- 10/30/21	\$2,930,511	100%	Fund Type Code	NNC Approved Original Budget W FY 19 Supplemental
					(B) Proposed Budget
					(C) Difference (Column B - A)
				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	
				7000 Special Transactions	
				8000 Public Assistance	
				9000 Capital Outlay	6 0
				9500 Matching Funds	
				9500 Indirect Cost	
				TOTAL	\$0 \$2,930,511 2,930,511
				PART IV. POSITIONS AND VEHICLES	
				Total # of Positions Budgeted:	(D) 0 (E) 0
				Total # of Permanently Assigned Vehicles:	0 0
TOTAL:		\$2,930,511	100%		
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.					
Stephen B. Etsitty, Administrative Director of the Courts				JoAnn Jayne, Chief Justice	
SUBMITTED BY: Program Manager's Printed Name				APPROVED BY: Division Director/Branch Chief's Printed Name	
SUBMITTED BY: Program Manager's Signature and Date				APPROVED BY: Division Director/Branch Chief's Signature and Date	

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

PART I. PROGRAM INFORMATION:			
Program Name/Title: Window Rock Judicial District		Unit No.: NEW	
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification	Total by DETAILED Object Code	Total by MAJOR Object Code
	9000 Capital Outlay		2,930,511
	Purchase a new Modular Building for the Window Rock Judicial District Court and Probation Staff. The Window Rock District court staff are currently sharing office space with Administrative Office of the Courts (AOC) and Probation is sharing office space with the Peacemaking Program. These Programs are in dire need of having their own facilities to provide direct services to clients and conduct court hearings for the public.		
9010	LAND & IMPROVEMENTS	307,061	
9014	Land Improvements (Survey of boundaries & On-Site improvment)	\$307,061	
9020	INFRASTRUCTURE	502,939	
9026	Parking Lot/Sidewalk/ Street lights	257,000	
9038	Waterlines	83,484	
9040	Powerlines	86,971	
9042	Water/Wastewater	75,484	
		<u>\$502,939</u>	
9050	BUILDING	1,983,511	
9052	Buildings - 148' x 72' Modular Building for Window Rock Judicial District & Probation	\$1,983,511	
9110	FURNITURE & FIXTURES	93,600	
9112	Furniture - \$ 3,900 per set x 24 WRJD/PPS personnel	\$93,600	
9140	EQUIPMENT	43,400	
9146	Computers - Equipment- (4) Switch/Router	14,000	
	One year Service Plan (\$1,200 x 12=\$14,400	14,400	
	Internet Link- L2 Connectivity (Construction)	15,000	
		<u>\$43,400</u>	
TOTAL		2,930,511	2,930,511

THE NAVAJO NATION

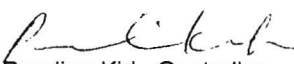
JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



Memorandum

Date: February 8, 2021

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

From: 
Pearline Kirk, Controller
Office of the Controller

Subject: Judicial Public Safety Fund Balance-December 2020

Attached you will find the unaudited Income Statement and Balance sheet (**Exhibit A**) for the Judicial Public Safety Fund as of December 31, 2020.

The unaudited un-appropriated balance of the Judicial Public Safety Fund as of December 31, 2020, is \$14,967,745 (see **Exhibit A, footnote 1**). Exhibit A shows the composition of the Judicial Public Safety Fund Balance.

In FY 2021 the Judicial Public Safety Fund (**Exhibit A**) has collected \$3,125,492, **footnote 2**, in revenue/contributions, the total expenditures are \$4,058,850, **footnote 3**. The excess of expenditures over revenues is \$933,358, **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 X6308.

FY 2021

EXHIBIT A

**Judicial Public Safety/Key Bank
Balance Sheet
Unaudited December 31, 2020**

Cash	\$ 5,009,990
Investments	21,897,448
Accrued Interest Receivable	-
Accounts Receivable	12,481
Note Receivable	-
Total Assets	<u><u>26,919,919</u></u>
Liabilities:	
Accounts payable	-
Accrued Liabilities	717,662
	<u>717,662</u>
Fund balance	
Restricted to Capital Projects	14,967,745 (1)
Committed for Capital Projects	9,793,363
FY 2021 Budget	1,441,150
Total Fund Balance	<u><u>26,202,258</u></u>
Liabilities & Fund Balance	<u><u>\$ 26,919,919</u></u>

**Judicial Public Safety Facilities
Income Statement
3 months ended December 31, 2020**

Revenues:	
Investment income	\$ 8,397
Other financial	-
Allocation/Contributions	3,117,095
Other Revenue	-
	<u>-</u>
Total Revenues	<u><u>3,125,492 (2)</u></u>
Expenditures:	
Contractual Services	-
Amortization Expense	4,058,850
IDC	-
Capital Outlay	-
Furniture & Equipment	-
Total expenditures	<u><u>4,058,850 (3)</u></u>
Excess/deficit of revenues over expenditures	<u><u>(933,358) (4)</u></u>
(1) - Available for use for Capital Projects	
(2) - Total Revenue	
(3) - Total Expenditures	
(4) - Excess of revenue over expenditures	

FACILITY NEEDS & TIMELINE



WINDOW ROCK JUDICIAL DISTRICT

INTRODUCTION:

The deteriorated condition of the Window Rock District Public Safety building forced Window Rock District Court to vacate the building in May 2017 and to move into a leased facility to house Court and Probation Services personnel after several building closures due to sewage backup problems and natural gas leaks.

The Old Police/Court building in Window Rock, Arizona was built in 1958. Over the years several assessments were conducted on the structure:

- a. A 2008 report from Fiberquant Analytical Services identified areas in the court that contain asbestos.
- b. A 2010 letter from the Indian Health Services Office of Environment Health stated that the facility has frequent roof failures that cause interior damage and growth of mold. Some concrete support beams and columns have severely deteriorated due to soil movement and shifting. The court has previously had to shut down due to issues with its HVAC, and in the past, has had to arrange its schedule to open and close its offices early to continue to serve the public. Due to these ongoing issues, the Window Rock Judicial District Court needed to relocate.

The district court leased office space from the Navajo Nation Shopping Centers, Inc., in June 2017. On July 9, 2018, the district court vacated the leased office space due to mold problems and poor indoor air quality. After months of inspections and repairs undertaken by NNSCI, the district court could not re-occupy the leased office space. In December 31, 2018 the lease expired and the NNSCI did not renew the lease.

Since July 2018, the Window Rock Judicial District has operated out of the Administrative Office of the Courts building and the Peacemaking Program office space. The judges use the old Supreme Court's courtroom or Law and Order conference room for hearings. While this arrangement was initially expected to last only one month, the district court judges and staff continue to work in undersized and cramped quarters that are not designed to accommodate 24 personnel. Since the lease agreement was not renewed, the Court has continued to search the Window Rock and surrounding area for available office space to relocate the district court for a ten-year period.

The Window Rock Judicial District plans to eventually move into a new judicial building after construction of a new Judicial/Public Safety complex in Fort Defiance, AZ.

However, the planning and design of the new building complex began last year, and this project will take several years to complete. Therefore, the Window Rock Judicial District and Probation Services are in dire need of temporary office space.

The Window Rock District Court has a high caseload and one of the largest staffing among all Judicial Districts. In FY 2017 the total number of Cases Filed was 3,068. In FY 2019 the total number of Cases Filed was 3,283. Last year in FY 2020 the total number of Cases Filed dropped to 1,644 due to the COVID-19 pandemic, the court being

closed to the public, and all essential cases relying on telephonic hearings. The Window Rock District Court caseload is comprised of the follow case types:

- Termination of Parental Rights
- Adoption, Adult & Children Guardianship
- Name Change, Correction of Record
- Conservatorship
- Declare a Name
- Probate and Quiet Title
- Custody
- Paternity
- Divorce
- OSC, Modification
- Validation of Marriage
- Foreign Judgement
- QDRO
- Domestic Violence
- Criminal Case; DUI, Battery, Aggravated Battery, Threatening, Etc.
- Traffic Civil; Citation
- Special Division; White collar
- Complex Civil Cases- the Navajo Nation being sued
- Repossession, small Claims
- Personal Injury/Tort
- Application for Arrest
- Temporary Restraining Order
- Injunction
- Writ
- Search/Seizure Warrant
- Bench Warrant
- Dependency
- Delinquent
- Child in need of Supervision

In 2019 the Navajo Nation Occupational Safety and Health Administration (NNOSHA) conducted inspections of the Window Rock District's work space and found it lacking for adequate and safe work space. In September 2019, NNOSHA observed a day of court hearings where concerns were raised due to overcapacity of the hearing room and the old Supreme Court building hallway. In a memo to the Judicial Branch the NNOSHA recommended addressing overcapacity issues for the Window Rock courts.

Since March 2020, the Coronavirus Pandemic has only increased the need for adequate and safe work environments for all NN personnel. Currently, the requirements for physical distancing place additional restrictions on the ability of the Window Rock District to conduct its work inside already cramped work spaces.

The need for a modular building was recognized by Navajo Nation leadership and in August 2020 funds were appropriated from CARES Act Funds through Resolution CJY-67-20, only to revert the funds due to inability to meet the deadlines and regulations. In cooperation with Fort Defiance Chapter, a resolution approving a land re-assignment of 5.8 acres for a temporary court building was passed in June 2019.

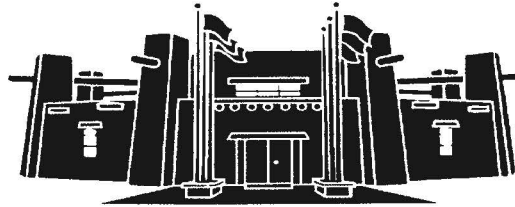
The land re-assignment was completed by the Navajo Nation Land Department in November 2020, and 5.8 acres were transferred to the Window Rock Court. The temporary court building project was included in the proposed Judicial/Public Safety Facilities Priority Projects in 2019, in agreement with the Division of Public Safety.

The Judicial/Public Safety Facilities Fund operates under an approved Fund Management Plan established in March 2007, through LOCJN-04-17. The use of the funds for a modular building will enhance the integrity of the Navajo Nation Judicial Branch/Probation services, promote a sense of security and confidence, provide a safe work environment, and restore the trust within our Navajo Nation Judicial process.

The Navajo Nation is situated within 4 states; Utah, Arizona, New Mexico, and Colorado. The Window Rock Judicial District/Probation serves all states specified. The lack of office space and equipment/material hinders the provision of court services. Confidentiality of court documents is a major concern where minimal security raised the liability from theft. The Navajo people are the priority when it comes to services. The Window Rock Judicial District and Probation Parole Services are limited to providing effective and efficient services due to being displaced.

LONG TERM FACILITY NEEDS

The following project are permanent facilities that will meet the long term needs of the Window Rock Judicial District – For a permanent judicial/public safety facility, a team that includes both judicial and public safety needs to be assembled. A land has been identified in the Fort Defiance, Arizona area. However, the planning and design of the new building complex began last year, and this project will take several years to complete. The estimated cost for a court facility is \$ 65 million.



MEMORANDUM

TO : Otto Tso, Delegate
24th Navajo Nation Council

FROM : 
Troy D. Cook, Sr. Tribal Court Advocate
Office of Legislative Counsel

DATE : February 17, 2021

RE : **RELATING TO LAW AND ORDER COMMITTEE; APPROVING AN ALLOCATION OF TWO-MILLION NINE-HUNDRED THIRTY THOUSAND FIVE HUNDRED ELEVEN DOLLARS (\$2,930,511) FROM THE JUDICIAL/PUBLIC SAFETY FUND, TO THE WINDOW ROCK JUDICIAL DISTRICT, FOR THE PURCHASE OF THE MODULAR WINDOW ROCK JUDICIAL COMPLEX NEW**

I have prepared the above referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. The resolution drafted is legally sufficient. However, as with any legislation, it can be subject to review by the courts in the event of proper challenge. Also, understand that the Speaker is authorized to refer this proposed resolution to other committees that those stated in the title.

You are advised and encouraged to review the proposed resolution to ensure it is drafted to your satisfaction. If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment.

If the proposed legislation 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. Ahe'he'.

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION**



LEGISLATION NO: _0022-21__

SPONSOR: Otto Tso

TITLE: Relating to Law and Order Committee; Approving an Allocation of Two-Million Nine-Hundred Thirty Thousand Five Hundred Eleven Dollars (\$2,930,511.00) from the Judicial/Public Safety Fund, to the Window Rock Judicial District, for the Purchase of the Modular Window Rock Judicial Complex New

Date posted: February 18, 2021 at 6:05PM

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.*

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0022-21

SPONSOR: Honorable Wilson C. Stewart Jr.

TITLE: An Action Relating to Law and Order Committee; Approving an Allocation of Two-Million Nine-Hundred Thirty Thousand Five Hundred Eleven Dollars (\$2,930,511.00) from the Judicial/Public Safety Fund, to the Window Rock Judicial District, for the Purchase of the Modular Window Rock Judicial Complex New

Posted: February 18, 2021 at 9:14 PM

5 DAY Comment Period Ended: February 24, 2021

Digital Comments received:

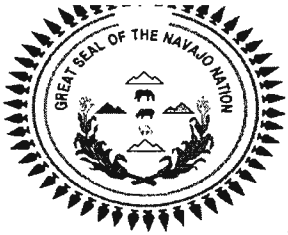
Comments Supporting	<i>1. Fort Defiance Chapter 2. Verlana Hale, Window Rock Judicial District Court Administrator 3. Corina Smith</i>
Comments Opposing	<i>None</i>
Comments/Recommendations	<i>None</i>

VBrednase

Legislative Tracking Secretary
Office of Legislative Services

2-24-2021 8:15AM

Date/Time



THE NAVAJO NATION
FORT DEFIANCE CHAPTER
P.O. Box 366 • Ft Defiance, Arizona 86504
Email: ftdefiance@navajochapters.org

Aaron Sam, President
Genevieve Jackson, Vice-President
Grace Tracy, Secretary/Treasurer
Wilson C. Stewart, Jr., Council Delegate

Jonathan Nez
Navajo Nation President

Myron Lizer
Navajo Nation Vice President

February 22, 2021

Executive Director
Office of Legislative Services
P. O. Box 3309
Window Rock, Arizona 86515

Dear Sir:

The Navajo Nation has been without an adequate facility for its Public Safety Department and Window Rock Judicial District. The two departments are essential for the protection of people and for justice for all. It is the concern of our community that the facility is still not built due to lack of funds and also due to Covid-18. One of the goals the chapter is advocating for is a modern facility for Public Safety/Judicial District. The community realizes the need for services.

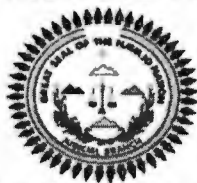
The community designated and approved a prime area for the Judicial District to locate its facility. Enclosed is a copy of the resolution.

The community, chapter staff, officials and council delegate are in full support. We are requesting that Legislation 0022-21 be approved in the amount of \$2,930,511.09 from the Judicial/Public Safety Fund to the Window Rock Judicial District, for the purchase of the Modular Window Rock Judicial Complex.

Thank you for your support and approval of the legislation.

THE NAVAJO NATION

District Court of the Navajo Nation
Window Rock Judicial District
Post Office Box 5520
Window Rock, AZ 86515
(928) 871-6626 PHONE
(928) 871-7560 FAX



Family Court of the Navajo Nation
Window Rock Judicial District
Post Office Box 5520
Window Rock, AZ 86515
(928) 871-6626 PHONE
(928) 871-7560 FAX

JUDICIAL BRANCH

Honorable Eugenia Charles- Newton, NN Delegate
Chairperson for the Law and Order Committee

And

Honorable Otto Tso, Delegate
Vice-Chairperson for the Law and Order Committee
P.O. Box 3390
Window Rock, Arizona 86515

RE: Letter of Support requesting funds for the WRJD Modular Building

I am writing this letter supporting the Window Rock District Court (the "Court"). The Court needs a temporary modular building to house court staff and conducts proper court business and hearings. The Court has been without a facility since 2018 and forced to utilize conference rooms at the courts' Administrative Office. This request is an immediate need.

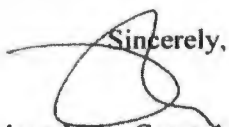
The Window Rock District is one of the largest Navajo Nation districts and handles over 4,000 cases and 27,000 visitors annually. In 2017, the district moved from the Old Police Department, which is structurally unsafe and condemned. At that time, we were fortunate to have secured a leased office space from the Navajo Nation Shopping Centers, Inc., Window Rock, Arizona. On July 9, 2018, the district court vacated the leased office space due to mold and low indoor air quality problems. After more than two years of inspections, mold abatement, roof repairs, and exterior wall repair, the district court cannot re-occupy the leased office space. Since then, the district court has had to relocate twice.

The district is housed within the Administrative Office of the Courts (AOC), an impractical building for the high traffic and massive caseloads because the AOC building was never designed to administer direct services. The court staff occupies two conference rooms in overcrowded, restricted, sometimes unsafe, and inadequate workspaces when processing cases during this pandemic. The district court is in immediate need of an office space/building to conduct our court hearings for legal counsels, government agencies, the public, and Judicial Branch personnel.

The Window Rock Judicial District serves an essential role in providing direct services that are available for all of Arizona and Navajo Nation constituents in Arizona Legislative District 7. Your advocacy and support of our efforts to fund a new court building to administer justice services are sincerely appreciated. The public can perceive the lack of adequate facilities as a government's diminished commitment to such important principles. The judicial branch is dependent on the executive and legislative branches to fund the judiciary as a co-equal branch of government and thereby maintain dignity and respect for all branches.

Without proper facilities, cases are delayed, court hearings can be compromised, and justice administration is impacted. These outcomes directly impact the citizens served by the Court. The Court is not asking for brand-new permanent court facilities but instead for funding to provide a temporary modular building where court business can be efficiently and effectively administered. I hope you can allocate the funds from Judicial Public Safety funds. I can be of further assistance; please contact me at verlenahale@navajo-nsn.gov. Thank you.

Sincerely,


Verlena Hale, Court Administrator

THE NAVAJO NATION

District Court of the Navajo Nation
Window Rock Judicial District
Post Office Box 5520
Window Rock, AZ 86515
(928) 871-6626 PHONE
(928) 871-7560 FAX



Family Court of the Navajo Nation
Window Rock Judicial District
Post Office Box 5520
Window Rock, AZ 86515
(928) 871-6626 PHONE
(928) 871-7560 FAX

JUDICIAL BRANCH

February 23, 2021

Honorable Eugenia Charles-Newton, NN Delegate
Chairperson for the Law and Order Committee

Honorable Otto Tso, Delegate
Vice-Chairperson for the Law and Order Committee
PO Box 3390
Window Rock, AZ 86515

Re: Letter of Support Requesting funds for the WRJD Modular Building, Legislation# 022-21

We are requesting for your support and approval of Legislation# 022-21. The Window Rock Judicial District (WRJD) is in dire need of a building to sufficiently serve the public and for the safety and well-being of the staff.

I'm sure you all have heard the history of our displacements and the unsafe buildings we have occupied so I will not reiterate that. As a staff member, I am imploring you to approve this legislation. We have been displaced and even occupied a mold infested building for several years. Since July, 2018 the Administrative Office of the Courts (AOC) have been kind enough to allow us to share their building and operate from there, along with approximately 25 AOC staff members. However, their building was not designed for or meant to house so many people and to accommodate the number of people we serve on a daily basis.

Our staff of 13 currently work out of 2 small conference rooms and a very small reception area, where we greet and assist the public (when we were not in a pandemic). The space we are currently operating out of is not safe for the staff (in this pandemic) and is not adequate for the number of staff we have, the public we serve and the number of cases we process. Our program is necessary for the safety and well being of the communities we serve and we have continued to work through the pandemic to ensure the continuity of services.

Our Court Administrator has tried looking for other office space, other funding and has tirelessly tried all avenues to find us a building to rent or lease and has not been able to find a place. This building would ensure our staff a safe place to work and would provide a secure environment for providing justice services for the 18 communities we serve. Again, I am imploring you all to please help us secure the funding to obtain this building. If you have any questions, you can contact me at corinaybegay@navjao-nsn.gov.

Respectfully,

A handwritten signature in black ink, appearing to read "Corina Smith".

Corina Smith
