

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

AN ACTION

RELATING TO THE LAW AND ORDER COMMITTEE; ALLOCATING \$3,500,000 FROM THE JUDICIAL/PUBLIC SAFETY FACILITIES FUND TO THE DEPARTMENT OF CORRECTIONS FOR THE ASSESSMENT, PLANNING, AND DESIGN OF THE TSÉHOOTSOÓÍ JUSTICE CENTER

BE IT ENACTED:

SECTION ONE. AUTHORITY

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

the Fund Management Plan for the JPSF Fund. CJA-03-07 is attached as **EXHIBIT A**.

- E. In Resolution No. BFS-37-07 the Budget and Finance Committee first approved the Fund Management Plan. **EXHIBIT B**. In Resolution No. BFD-66-11 the Budget and Finance Committee amended the Fund Management Fund to permit the Law and Order Committee to approve JPSF Fund allocations for judicial/public safety projects. BFD-66-11 is attached as **EXHIBIT C**.

SECTION TWO. FINDINGS

- A. In Resolution No. LOCJN-04-17 the Law and Order Committee approved a JPSF Fund project priority list describing 16 projects in 16 different Chapters; as well, the Navajo Nation Judicial Branch and the Division of Public Safety have entered into an Agreement that lists the Fort Defiance project as number 3 on a separate priority list. **EXHIBIT D**. Addressing the partially-closed and dilapidated Window Rock court and jail building is listed as priority project number 1 in LOCJN-04-17, and the planned Tséhootsooí Justice Center project will replace the Window Rock facilities.
- B. The Department of Corrections ("DOC") is requesting \$3,500,000 from the JPSF Fund to complete assessments, planning, and design work for the proposed Tséhootsooí Justice Center project. As explained by the DOC Director, the \$3,500,000 will be supplemented by \$1,012,080.66 in New Mexico Capital Outlay funds. DOC has provided its explanatory memorandum and its required Budget Forms, including the Appendix K "Supplemental Funding Proposal Summary," all attached as **EXHIBIT E**. Delegate Wilson Stewart, Jr., who represents the Fort Defiance and Window Rock communities, has explained the need for the new Justice Center in a memorandum dated February 8, 2022. **EXHIBIT F**.
- C. DOC proposes to use the \$3,500,000 on the Tséhootsooí Justice Center project, as follows: (1) a project manager; (2) architectural and engineering services; (3) a construction manager-at-risk; (4) a building official; and (5) furniture, fixtures and equipment. **EXHIBIT G**. DOC's proposed expenditures are consistent with the Fund Management Plan for the JPSF Fund, which permits use of funds for project planning, site clearance, development,

construction, and other activities. EXHIBIT C.

- D. The Office of the Controller has verified that the JPSF Fund has a sufficient balance to cover DOC's requested \$3,500,000 allocation. EXHIBIT H.
- E. DOC's request has been reviewed by the Office of Management and Budget and the Department of Justice, and both found the request to be "sufficient." EXHIBIT I.
- F. The Navajo Nation finds that the request by the Department of Corrections for \$3,500,000 in funding from the Judicial/Public Safety Facilities Fund for the Tséhootsooí Justice Center project is in the best interest of the Navajo Nation and the Navajo People. As proposed by DOC, the project tasks to be paid for with the requested funds will facilitate the completion of the Tséhootsooí Justice Center, which is urgently needed in the Fort Defiance and Window Rock communities.

SECTION THREE. APPROVING ALLOCATION OF FUNDS

The Navajo Nation hereby approves the allocation of \$3,500,000 from the Judicial/Public Safety Facilities Fund to the Department of Corrections for the Department's use on the Tséhootsooí Justice Center project, as explained in the attached EXHIBITS E, F, and G.

SECTION FOUR. EFFECTIVE DATE

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

SECTION FIVE. SAVING CLAUSE

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

CERTIFICATION

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

A handwritten signature in black ink, appearing to read 'Eugenia Charles-Newton', with a long horizontal line extending to the right.

Honorable Eugenia Charles-Newton, Chairwoman
Law and Order Committee

Motioned: Honorable Eugene Tso
Second : Honorable Vince James



EXHIBIT A

DR. JOE SHIRLEY, JR.
President

BEN SHIFLEY
Vice President

CJA-03-07

RESOLUTION OF THE NAVAJO NATION COUNCIL

21st NAVAJO NATION COUNCIL - First Year, 2007

AN ACT

RELATING TO FINANCE; JUDICIAL BRANCH; PUBLIC SAFETY;
CAPITAL IMPROVEMENT; APPROVING AMENDMENTS TO THE NAVAJO
NATION SALES TAX, 24 N.N.C. §§605 AND 620

BE IT ENACTED:

The Navajo Nation Council hereby approves the
following amendments to Title 24, Navajo Nation Code, §§605
and 620:

Title 24, Navajo Nation Code

Chapter 6. Sales Tax

§605. Rate of Tax.

The tax imposed by this Chapter is imposed at a rate
of not less than 2%, nor more than 6%, which shall be
specifically established by regulations promulgated by the
Navajo Tax Commission. Until another rate is established,
the rate shall be ~~three~~ four percent (3 4%) of the
applicable gross receipts from all retail sales (+03 .04 x
applicable gross receipts).

CJA-03-07

\$620. Allocation of Revenue.

After allocation to permanent or special revenue funds as required by Navajo Nation law, and allocation to the Tax Administration Suspense Fund as required by the fiscal policy adopted by the Navajo Tax Commission for such Fund, the net revenue from this Chapter shall be disbursed as follows:

- A. Except as otherwise provided in subsections (B) and (C), ~~100~~ 75% of the revenue collected shall be deposited into the General Fund of the Navajo Nation, and 25% of the revenue collected shall be deposited into the Judicial/Public Safety Facilities Fund to be appropriated pursuant to a fund management plan approved by the Budget and Finance Committee of the Navajo Nation Council.
- B. ~~100~~ 75% of the revenue collected from retail establishments shall be allocated to the specific chapter in which the retail sale occurred, provided that such chapter is governance-certified pursuant to the Local Governance Act at the time of such sale; and 25% of the revenue collected shall be deposited into the Judicial/Public Safety Facilities Fund to be appropriated pursuant to a fund management plan approved by the Budget and Finance Committee of the Navajo Nation Council.

CJA-03-07

- C. 100 75% of the revenue collected from retail establishments in chapters that are not governance-certified shall be deposited into a trust fund to be appropriated pursuant to a plan of operation developed by the Office of Navajo Government Development and approved by the Budget and Finance Committee of the Navajo Nation Council; and 25% of the revenue collected shall be deposited into the Judicial/Public Safety Facilities Fund to be appropriated pursuant to a fund management plan approved by the Budget and Finance Committee of the Navajo Nation Council.

Section 3. Effective Date

The sales Tax amendments shall take effect on July 1, 2007.

Section 4. Codification

The provisions of this Act which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

Section 5. Savings Clause

Should any provisions of this Act be determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, those portions of this Act which are not determined invalid shall remain the law of the Navajo Nation.

CERTIFICATION

Lawrence T. Morgan, Speaker
Navajo Nation Council
Date: 8/25/07

ACTION BY THE NAVAJO NATION PRESIDENT:

- Joe Shirley, Jr., President
Navajo Nation

- Joe Shirley, Jr., President
Navajo Nation

BFS-37-07

RESOLUTION OF THE
BUDGET AND FINANCE COMMITTEE
OF THE 21ST NAVAJO NATION COUNCIL - First Year, 2007

AN ACTION

RELATING TO PUBLIC SAFETY, JUDICIARY AND FINANCE; APPROVING
THE JUDICIAL/PUBLIC SAFETY FACILITIES FUND MANAGEMENT PLAN

BE IT ENACTED:

1. The Navajo Nation hereby approves the Judicial/Public Safety Facilities Fund Management Plan pursuant to 24 N.N.C. §620, as amended by Resolution CJA-03-07. The Judicial/Public Safety Facilities Fund Management Plan is set forth in the attached Exhibit A.

2. The Controller of the Navajo Nation shall establish an account for the Judicial/Public Safety Facilities Fund and the account shall be managed in accord with the Judicial/Public Safety Facilities Fund Management Plan and all applicable Navajo Nation laws and policies.

3. The Judicial/Public Safety Facilities Fund Management Plan shall become effective October 1, 2007

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 5 in favor, 0 opposed, this 18th day of September, 2007.



LoRenzo C. Bates, Chairperson
Budget and Finance Committee

Motion: Nelson Begaye
Second: Jonathan Nez

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 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 areas;
- 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.

Exhibit A to BFS-37-07

The Controller shall establish a Fund account and provide assistance with Fund administration.

B. Expenditures

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

C. Judicial/Public Safety Facilities Fund Priority List

Every two years the Judiciary Committee and Public Safety Committee shall approve an identical Fund Priority List to cover a two fiscal year period beginning with Fiscal Year 2008 and Fiscal Year 2009. The Fund Priority List 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.

D. Quarterly Reports

The Branch and Division shall submit quarterly written reports to the Judiciary Committee, Public Safety Committee and the Budget and Finance Committee on the status of the Fund, including all projected and realized Fund revenue and expenditures.

E. Annual Audit.

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

IV. Amendments

The Fund Management Plan may be amended by the Budget and Finance Committee, upon recommendation by the Judiciary Committee and the Public Safety Committee.

V. Sunset Clause

The Fund Management Plan shall expire September 30, 2010 unless date is extended by amendment.

BFD-66-11

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.



LoRenzo C. Bates, Chairperson
Budget and Finance Committee

Motion: Jonathan Nez
Second: Mel R. Begay

Exh. A to BFD-66-11

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.

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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.

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

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

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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.
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22nd NAVAJO NATION COUNCIL

First Year 2011

Mr. Speaker:

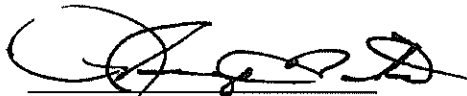
The **BUDGET & FINANCE COMMITTEE** to whom has been assigned

NAVAJO LEGISLATIVE BILL #0474-11:

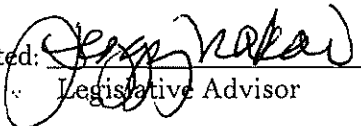
An Action Relating to Law and Order and Budget and Finance; Amending the Judicial/Public Safety Fund Management Plan *Sponsored by the Honorable Alton Joe Shepherd, Council Delegate*

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

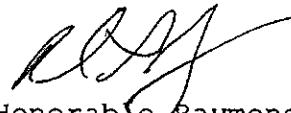
Safety Facilities Fund Priority List for Fiscal Years 2017 and 2018 as listed in EXHIBIT A. BFD-66-11 approving the JUDICIAL/PUBLIC SAFETY FACILITIES FUND MANAGEMENT PLAN, sect. III. C. (2011).

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

Exhibit A to LOCJN-04-17

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



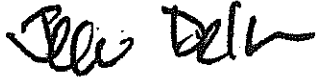
THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

DIVISION OF PUBLIC SAFETY
Office of the Division Director

MEMORANDUM

TO : TO WHOM IT MAY CONCERN

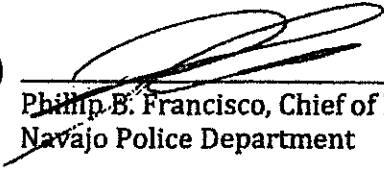
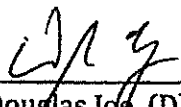
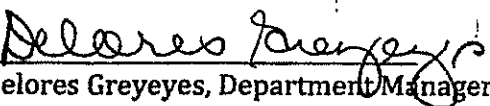
FROM : 
Jesse Delmar, Division Director
Division of Public Safety

DATE : January 9, 2017

SUBJECT: Standing Delegation of Authority

This is notification that the following personnel have signature authority for Navajo Division of Public Safety, in my absence. They shall have the authority to administer, oversee, and monitor routine tasks in carrying all the duties and responsibilities associated with this office. This delegation is not transferable and shall not be sub-delegated.

ACKNOWLEDGED:

- 1)  Date: 1/11/17
Philip B. Francisco, Chief of Police
Navajo Police Department
- 2)  Date: 1-11-17
Douglas Jde, (D)CI Director
Department of Criminal Investigations
- 3)  Date: 4-17-17
Delores Greyeyes, Department Manager III
Department of Corrections

Your utmost consideration and adherence is greatly appreciated. Should you have any questions or concerns, please contact this office at (928) 871-6581.


DISTRIBUTION
xc: file

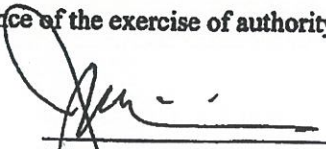
AGREEMENT

RECOMMENDING APPROVAL OF JUDICIAL/PUBLIC SAFETY FACILITY CONSTRUCTION PRIORITIES FOR FISCAL YEAR 2013 AND FISCAL YEAR 2014 AS PROVIDED BY THE JUDICIAL/PUBLIC SAFETY FACILITIES FUND MANAGEMENT PLAN

- A. The Judicial Branch ("Branch") and the Division of Public Safety ("Division") as joint administrators of the Judicial/Public Safety Facilities Fund Management Plan ("Plan") have reviewed the facility needs of both entities as of February 28, 2013. The District Judicial/Public Safety Master Plan completed in March 2007 serves as a guide for the planning and design of facilities at specified locations.
- B. As required by the "Plan" at III. C., the "Branch" and the "Division" have identified and prioritized five Judicial/Public Safety facilities at specified locations that may receive funding from the Judicial/Public Safety Facilities Fund ("Fund").
- C. The location of projects as prioritized are:
1. Chinle, Navajo Nation, Arizona
 2. Shiprock, Navajo Nation, New Mexico
 3. Fort Defiance, Navajo Nation, Arizona
 4. Pinon, Navajo Nation, Arizona
 5. Dilkon, Navajo Nation, Arizona
- D. The "Branch" and "Division" recommend to the Law and Order Committee of the Navajo Nation Council that construction of Judicial/Public Safety facilities and debt service be based on the locations of the five prioritized projects.
- E. The "Branch" and "Division" further recommend to the Law and Order Committee of the Navajo Nation Council that from time to time, additional appropriation requests be made to the Navajo Nation Council for deposit into the "Fund" to address the prioritized list of projects.
- F. The "Branch" and "Division" further recommend to the Law and Order Committee of the Navajo Nation Council that from time to time, additional appropriation requests be considered for support of construction projects outside of the five prioritized projects.
- G. The "Branch" and "Division" further recommend to the Law and Order Committee of the Navajo Nation Council that the Judicial/Public Safety Facilities Fund Management Plan be review and be modified to increase the number of priorities if determined necessary.

The execution of this Agreement is conclusive evidence of the exercise of authority as conferred by the "Plan."


Herb Yazzie, Chief Justice
Judicial Branch of the Navajo Nation
Date: 2/28/13


John Billison, Division Director
Division of Public Safety
Date: 3/7/2013

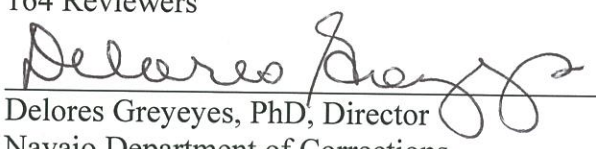
THE NAVAJO NATION

EXHIBIT E

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

MEMORANDUM

TO : 164 Reviewers

FROM : 
Delores Greyeyes, PhD, Director
Navajo Department of Corrections

DATE : January 3, 2022

SUBJECT : Request for \$3.5 million dollars from the Judicial/Public Safety
Special Revenue

This memorandum is to request for funding in the amount of \$3.5 million dollars to begin work on the designs for the replacement of the Window Rock Public Safety and Judicial Center. The \$3.5 million being requested will be matched with \$1,012,080.66 million dollars available from the New Mexico Capital Outlay for a total cost of \$4,512,080 to conduct assessments and design work of the Ft. Defiance DPS and Judicial Public Safety Center.

The new facility will be located in Ft. Defiance, Arizona, just north of the NTUA Offices. This facility will house the Division of Public Safety programs; Navajo Police, Criminal Investigations, Corrections, Emergency Medical Services, Fire and all support programs such as personnel, finance and Information Management. The Judicial Programs will include Court room, Probation and all support programs within the Judicial Branch. In addition to this there will be a medical examiner's office, garage and the public safety headquarters building.

This proposal is for project funding to replace the Window Rock Public Safety and Courts facility have been partially closed due to extensive structural and environmental health concerns causing an emergency situation for visitors and to detainees and personnel working in this facility. A report completed by Indigenous Design Studios and the Navajo Nation Facilities Maintenance Department was completed in August 2018 and resulted in the partial closure of this facility. The reported issues include damage to the roof of the multi-story facility, roof trusses are cracked and separating, and the metal rebars are exposed. Testing found presence of lead and asbestos at levels higher than those required for health and safety purposes. The heating, cooling and ventilation system requires weekly maintenance, yet there are complaints daily of the building being too cold or too hot. There is not enough ventilation throughout the entire building. This building was not issued a new sanitization permit and was recommended for closure.

The current facility that Division of Public Safety is housed in was built in 1959. At one point this facility housed the Navajo Courts, Police, Criminal Investigations, Corrections and other support programs. The courts moved from this location in 2017 due to the extensive amount of facility issues.

The Window Rock Public Safety district serves 26 Navajo community chapters. On average calls for services in 2018 for other than Part I offenses are 43,142 and the number of arrests was 6,863. The detention facility books on average 7,265 individuals each year. The ability to detain arrestees until trial or to imprison if found guilty has been almost non-existent starting in 2015 and will not improve significantly with planned capacity.

On the Navajo Nation, individuals awaiting trial, sentencing, or both are detained in the same facility used to incarcerate people for sentences up to a year. The consequences of this situation are alarming, as law enforcement and judicial personnel, being keenly aware of the shortage of bed space, have little alternative but to implement actions that do not adequately address the nature of the arresting offense. For example:

- Law enforcement personnel sometimes release suspected offenders with a warning rather than an arrest.
- Law enforcement personnel sometimes forego an arrest because transporting these individuals to detention facilities that have available bed space is time-consuming, not cost-effective, and reduces the availability of police officers to perform their patrol function and respond to emergencies.
- Individuals that are arrested and booked on suspicion of committing a crime are often released on their own (personal) recognizance rather than placed in a detention facility until there is a formal hearing.
- Individuals in a correction facility are often released from incarceration prematurely (i.e., without having served the full measure of their sentence).

Consequently, citizens are often reluctant to request help from police officers or report crime because they have little confidence in law enforcement or the judicial system; they also fear retaliation from offenders who are neither detained nor imprisoned.

The Window Rock Judicial Public Safety team started working on this project in February 2019 and thus far has obtained 40 acres in Ft. Defiance, Arizona, just north of the NTUA Office Complex. The Window Rock team was directed to work with Wilson and Company, an Architectural firm to plan and design this facility. This firm was hired by the Navajo Nation Department of Transportation (NDOT) in 2019. Wilson and Company has partial completed the programming before being tasked back to NDOT projects only.

MEMO: Request for \$3.5 million dollars from the Judicial/Public Safety Revenue

Page THREE

January 3, 2021 ²

The \$3.5 million being requested will be matched with \$1,012,080.66 million dollars available from the New Mexico Capital Outlay for a total cost of \$4,512,080 to conduct assessments and design work of the Ft. Defiance DPS and Judicial Public Safety Center.

Your assistance in review of this request and approval is appreciated. Thank you.

Attachment (1)

CONCURRENCE



Jesse Delmar, Executive Director
Division of Public Safety



JoAnn Jayne, Chief Justice
Navajo Nation Judicial Branch

cc: Jesse Delmar, Executive Director
file

FY 2022

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

Page 1 of 3
BUDGET FORM 1

PART I. Business Unit No.: <u>NEW</u>		Program Title: _____		Department of Corrections		Division/Branch: _____		Public Safety	
Prepared By: <u>Sharon Yellowhair</u>		Phone No.: _____		928-871-7861		Email Address: <u>sharonyellowhair@navajo-nsn.gov</u>			
PART II. FUNDING SOURCE(S)		Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY				
Judicial Public Safety Funds		FY 2022	3,500,000.00	100%		Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
					2001	Personnel Expenses			
					3000	Travel Expenses			
					3500	Meeting Expenses			
					4000	Supplies			
					5000	Lease and Rental			
					5500	Communications and Utilities			
					6000	Repairs and Maintenance			
					6500	Contractual Services	5	0	(3,500,000)
					7000	Special Transactions			
					8000	Public Assistance			
					9000	Capital Outlay			
					9500	Matching Funds			
					9500	Indirect Cost			
					TOTAL		\$0.00	3,500,000.00	(3,500,000)
					PART IV. POSITIONS AND VEHICLES				
							(D)	(E)	
					Total # of Positions Budgeted:		0	0	
					Total # of Vehicles Budgeted:		0	0	
					TOTAL:		\$3,500,000.00		100%
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE									
SUBMITTED BY: <u>Debres Greyeyes, MSW, Ph.D</u>		APPROVED BY: <u>Jesse Delmar, Division Director</u>		Division Director / Branch Chief's Printed Name		Division Director / Branch Chief's Signature and Date			
<u>Debres Greyeyes</u>		<u>Jesse Delmar</u>		<u>01/18/22</u>		<u>01/19/22</u>			

FY 2022

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

Page 2 of 3
BUDGET FORM 2

PART I. PROGRAM INFORMATION:		NDOC On-Call Project Management																																																																																																																																																																																																	
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_____ Delores Greyeyes, MSW, Ph.D. Program Manager's Printed Name				_____ Jesse Delmar, Division Director Division Director/Branch Chief's Printed Name																																																																																																																																																																																															
_____ Program Manager's Signature and Date				_____ Division Director/Branch Chief's Signature and Date																																																																																																																																																																																															

FY _____

PART I. PROGRAM INFORMATION:		Department of Corrections		Business Unit No.: _____ New	
Program Name/Title: _____					
PART II. DETAILED BUDGET:					
(A)	(B)	(C)	(D)		
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)		
4	CONTRACTURAL SERVICES		3,500,000		
6	6520-Consulting				
	6530-Consulting Fees				
	- Architect & Engineer	Estimate fee- \$ 1,880,000.00			
	-Project Manager	Estimate fee- \$ 525,000.00			
	-CMAR (Pre-Construction)	Estimate fee- \$ 700,000.00	3,325,000		
	-Building Official	Estimate fee- \$ 200,000.00			
	-FF&E Consulting	Estimate fee- \$ 20,000.00			
		\$ 3,325,000.00	175,000		
	6540-Consulting Expense				
	This amount will cover Professional Services expenses				
TOTAL		3,500,000	3,500,000		

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE-PRESIDENT



MEMORANDUM

TO : ALL CONCERNED

FROM : Delores Greyeyes
Delores Greyeyes, Ph.D., Director
Department of Corrections

DATE : September 23, 2021

SUBJECT : STANDING DELEGATION OF AUTHORITY
Department of Corrections

The personnel listed below will be delegated authority to act in my capacity as Director of Corrections for the Department during my absence from the office for authorized business travel and /or personal leave.

The standing Delegation of Authority will be effective immediately and remain in effect until such time the delegation is rescinded. Please direct any questions to me at (928) 871-7555 or email address at dgreyeyes@navajo-nsn.gov. Thank you.

ACKNOWLEDGED:

1. Mabel Desiderio
Mabel Desiderio, Corrections Captain
Department of Corrections-Corrections District
2. David Charles
David Charles, Corrections Lieutenant
Department of Corrections – Crownpoint District
3. Sharon Yellowhair
Sharon Yellowhair, Administrative Assistant
Department of Corrections-Corrections Administration

cc: 7 Corrections District
File

Appendix K

THE NAVAJO NATION SUPPLEMENTAL FUNDING PROPOSAL SUMMARY

Business Unit: NEW Program Title: Tséhootsooí Justice Center
Division/Branch: DPS Executive Branch Amount Requested: \$3.5 million Prepared By:
Delores Greyeyes, PhD
Phone No: (928) 871-7555 Email Address: dgreyeyes@navajo-nsn.gov

Part II: REASON FOR REQUEST AND STATEMENT OF NEED:

NDPS is requesting \$3.5 million from the Judicial Public Safety Special Revenues (JPSSR), Business Unit 1310 be used to plan and design the Tséhootsooí Judicial Public Safety Center. The Tséhootsooí Judicial Public Safety Center to be located just north of the new NTUA Executive Office Building. The Ft. Defiance Chapter has allocated 40 acres of land to Division of Public Safety for this facility. The Tséhootsooí Justice Center will replace the dilapidated Justice Center built in 1959 which is located on the corner of Morgan Blvd and Route 5 in Window Rock, Arizona.

The Window Rock Public Safety District serves 26 Navajo community chapters. The number of calls for services in 2021 for other than Part I offenses was 43,142 and the number of arrests was 6,863. The detention facility books 7,265 individuals each year. The ability to detain arrestees until trial or to imprison if found guilty has been almost non-existent starting in 2015 and will not improve significantly with planned capacity. Since 2017 the Window Rock detention facility has been used as a temporary holding facility and ready for closure.

PART III: LIST ALTERNATIVE FUNDING SOURCES BEING PURSUED AND CONTINGENCY PLAN IF REQUEST IS NOT FUNDED:

The State of New Mexico has located funds to assist with the planning and design in the amount of \$1,200,000. \$188,920 has been used to for the site plans and programming. The remaining funds in the amount of 1,011,080 will be used to match the funds from the JPSR.

Other funds sought from the Bureau of Indian Education, Office of Safety Risk Management and Construction. The amount for possible funding is \$350,000 which will be administered by the BIE, DSRM

PART IV: AFFIRMATION IS PROVIDED THAT THE BUDGET AND PROPOSAL INFORMATION IS COMPLETE AND ACCURATE AND THE APPROPRIATE CHIEF RECOMMENDATIONS APPROVAL AS A PRIORITY.

Reviewed By:

Jesse Del 03/3/22

Division Director's Signature/Date

RECOMMENDED SUPPLEMENTAL:

BRANCH Chief's Signature/ Date



EXHIBIT F

Office of the Council Delegate – Wilson C. Stewart Jr.
Fort Defiance, Sawmill, Red Lake, Crystal
24th NAVAJO NATION COUNCIL

MEMORANDUM

TO : Robert Willie, Accounting Manager
Office of the Controller

FROM : Wilson C. Stewart Jr
Wilson C. Stewart Jr., Council Delegate
24th Navajo Nation Council

DATE : February 8, 2022

SUBJECT : Request for Fund Balance

This memorandum is written to request for a balance on the Judicial Public Safety Special Revenues, Business Unit 1310. This request is made to ensure that funds are available to assist with the planning and designs of the Tse'hootso Judicial Public Safety Center.

I am sponsoring legislation requesting \$3.5 million from the Judicial Public Safety Special Revenues, Business Unit 1310 be used to plan and design the Tséhootso Judicial Public Safety Center. The Tséhootso Judicial Public Safety Center to be located just north of the new NTUA Executive Office Building. The Ft. Defiance Chapter has allocated 40 acres of land to Division of Public Safety for this facility. The Tséhootso Justice Center will replace the dilapidated Justice Center built in 1959 which is located on the corner of Morgan Blvd and Route 5 in Window Rock, Arizona. The State of New Mexico has located funds to assist with this design.

The Window Rock Police District serves 26 Navajo community chapters. The number of calls for services in 2021 for other than Part I offenses was 43,142 and the number of arrests was 6,863. The detention facility books 7,265 individuals each year. The ability to detain arrestees until trial or to imprison if found guilty has been almost non-existent starting in 2015 and will not improve significantly with planned capacity. Since 2017 the Window Rock detention facility has been used as a temporary holding facility and ready for closure.

The Window Rock Judicial Court covers 18 Navajo Nation chapters, some of which are in the state of New Mexico. The judicial district includes the district court, family court, Peacemaking Program and Office of Probation & Parole Services. The Window Rock courts see an average of 11,828 visitors annually and have an average caseload of 7,828 each year. This judicial district has the highest caseload of all Navajo Nation judicial districts from Fiscal Year 2015 to Fiscal Year 2017. Despite having the highest caseload, the judicial district currently has no facility of its own. Staff members of the court are stationed at the Administrative Office of the Courts modular building. Staff of the Peacemaking Program and Probation & Parole Services currently have offices in former housing units that were not designed to serve as offices. The judicial district also has no hearing rooms of its own and utilizes the Supreme Court hearing room and the former Supreme Court office for hearings.

On the Navajo Nation, individuals awaiting trial, sentencing, or both are detained in the same facility used to incarcerate people for sentences up to a year. The consequences of this situation are alarming, as law enforcement and judicial personnel, being keenly aware of the shortage of bed space, have little alternative but to implement actions that do not adequately address the nature of the arresting offense. For example:

- Law enforcement personnel sometimes release suspected offenders with a warning rather than an arrest.
- Law enforcement personnel sometimes forego an arrest because transporting these individuals to detention facilities that have available bed space is time-consuming, not cost-effective, and reduces the availability of police officers to perform their patrol function and respond to emergencies.
- Individuals that are arrested and booked on suspicion of committing a crime are often released on their own (personal) recognizance rather than placed in a detention facility until there is a formal hearing.
- Individuals in a correction facility are often released from incarceration prematurely (i.e., without having served the full measure of their sentence).

Consequently, citizens are often reluctant to request help from police officers or report crime because they have little confidence in law enforcement or the judicial system; they also fear retaliation from offenders who are neither detained nor imprisoned.

The new Tséhoosto Judicial Public Safety Facility (Project) is designated as one of the large Judicial Public Safety Centers on the Navajo Nation. The proposed Tséhootso Justice Center will replace the Window Rock Judicial Center which includes the Navajo Police, Investigations, Medical Examiners, Judicial Courts, Probation, Public Defenders, Prosecutors and the Corrections facility.

Your assistance in providing the fund balance of the Judicial Public Safety Special Revenues, Business Unit 1310 is appreciated. If any question, please contact me by email at wilsonstewartjr@navajo-nsn.gov. Thank you.

cc: Delores Greyeyes, PhD, Director, Department of Corrections
Timothy Begay, Legislative District Assistant
Fort Defiance Chapter
file

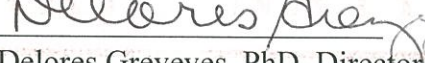
THE NAVAJO NATION

EXHIBIT G

JONATHAN NEZ | **PRESIDENT** MYRON LIZER | **VICE PRESIDENT**

MEMORANDUM

TO : 164 Reviewers

FROM : 
Delores Greyeyes, PhD, Director
Department of Corrections

DATE : February 7, 2022

SUBJECT : Tséhootsooí Justice Center – Request for Funds Scope of Work

The following narrative describes the Scope of Work required by various consultants for the proposed Tséhootsooí Justice Center. The proposed \$3.5M funding for these consultants will provide the services described below.

Project Manager (PM) -

The project management firm serves as the Owner's Representative and will prepare a Project Management Plan (PMP) to define and execute the Owners requirements for the Justice Center; prepare project budgets and schedules; assist in the procurement of all consultants needed for the project; coordinate communications between the Owner, user groups, BIA, NTUA, and consultants; attend all project meetings and issue minutes; monitor consultant contracts, review consultant invoices, A&E plan documents and submittals; prepare weekly, monthly and special reports; perform any other tasks requested by the Owner. At an additional cost, the PM firm will also provide construction phase services.

Architect & Engineer (A&E) -

The A&E firm and their consultants will confirm the preliminary program prepared by Wilson & Company; provide site surveys, drainage reports, geotechnical reports, traffic studies, and utility studies; prepare concept, schematic, design development, construction documents and specifications for review and approval by the Owner; submit plans for review and approval by BIA, building official, NTUA, IHS, and other authorities having jurisdiction; coordinate with the CMAR and other Owner-provided consultants, provide reports and presentations requested by Owner; attend all design and construction phase meetings and issue minutes. At an additional cost, the A&E firm will provide construction administration services during the construction phase; provide 'as-built' drawings; assist with closeout and warranty items.

Construction Manager at Risk (CMAR) –

The CMAR will initially provide Pre-Construction services including attendance at all design meetings; provide contractor and sub-contractor input on design components; prepare and reconcile project cost estimates; participate in any needed value engineering sessions; prepare and reconcile a Guaranteed Maximum Price (GMP) for review and acceptance by the Owner. Upon acceptance of the GMP, and at an additional cost, the CMAR may provide construction phase services for the project at an additional cost.

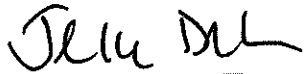
Building Official -

The independent building official will provide building code and life safety review and comments for the construction documents prepared by the A&E firm; monitor A&E compliance with incorporating the changes; coordinate review comments provided by BIA, IHS, NTUA and other authorities having jurisdiction; issue a construction building permit for the project. At an additional cost, the building official will provide code-required inspections during the construction phase and issue certificates of occupancy as required.

Furniture, Fixtures & Equipment Consultant (FF&E) –

The FF&E consultant should be retained by the Owner to provide independence from the design team and CMAR. The FF&E consultant will design the project furniture, fixtures, and equipment to meet the needs and budget of the Owner. The FF&E consultant will coordinate their design with the A&E firm. Most FF&E will be installed after the project reaches substantial completion and the Owner has taken possession of the building. At an additional cost, the FF&E consultant, will purchase and install the furniture, fixtures, and equipment per the project budget.

Concurrence:



Jesse Delmar, Executive Director
Division of Public Safety

cc: file

THE NAVAJO NATION

EXHIBIT H


JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



Memorandum

Date: February 11, 2022

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

From: 
Robert Willie, Accounting Manager
Office of the Controller

Subject: Judicial Public Safety Fund Balance-January 2022

Attached you will find the unaudited Income Statement and Balance sheet (**Exhibit A**) for the Judicial Public Safety Fund as of January 31, 2022.

The unaudited un-appropriated balance of the Judicial Public Safety Fund as of January 31, 2022, is \$18,259,725 (see **Exhibit A, footnote 1**). Exhibit A shows the composition of the Judicial Public Safety Fund Balance.

In FY 2022 the Judicial Public Safety Fund (**Exhibit A**) has collected \$3,309,621, **footnote 2**, in revenue/contributions, the total expenditures are \$4,107,497, **footnote 3**. The excess of expenditures over revenues is \$797,876, **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 questions, please feel free to call me at tribal extension X6070.

NAVAJO NATION OFFICE OF THE CONTROLLER

P.O.BOX 3150 · WINDOW ROCK, AZ 86515 · PHONE: (928)871-6398 · FAX: (928)871-6026

**Judicial Public Safety/Key Bank
Balance Sheet
Un audited January 31, 2022**

Cash	\$ 3,388,400
Investments	27,821,964
Accrued Interest Receivable	-
Accounts Receivable	9,992
Note Receivable	-
Total Assets	<u>31,220,355</u>
 Liabilities:	
Accounts payable	-
Accrued Liabilities	-
	<u>-</u>
 Fund balance	
Restricted to Capital Projects	18,259,725 (1)
Committed for Capital Projects	11,560,627
FY 2021 Budget	1,400,003
Total Fund Balance	<u>31,220,355</u>
 Liabilities & Fund Balance	 <u>\$ 31,220,355</u>

**Judicial Public Safety Facilities
Income Statement
4 months ended January 31, 2022**

Revenues:	
Investment income	\$ 4,069
Other financial	-
Allocation/Contributions	3,305,552
Other Revenue	-
Total Revenues	<u>3,309,621 (2)</u>
 Expenditures:	
Contractual Services	-
Amortization Expense	4,107,497
IDC	-
Capital Outlay	-
Furniture & Equipment	-
Total expenditures	<u>4,107,497 (3)</u>
 Excess/deficit of revenues over expenditures	 <u>(797,876) (4)</u>

(1) - amount available for appropriation for projects

(2) - Total Revenues Collected

(3) - Total Expenditures

(4) - Net revenue/ (loss) for the period

Document No. 017948Date Issued: 01/03/2022**EXHIBIT I****SECTION 164 REVIEW FORM**Title of Document: Request for 3.5M from Judicial PubSafFund Contact Name: GREYEVES, DELORESProgram/Division: DIVISION OF PUBLIC SAFETYEmail: dgreyeyes@navajo-nsn.govPhone Number: 9288717555Division Director Approval for 164A: *[Signature]*

Check document category: only submit to category reviewers. Each reviewer has a maximum 7 working days, except Business Regulatory Department which has 2 days, to review and determine whether the document(s) are sufficient or insufficient. If deemed insufficient, a memorandum explaining the insufficiency of the document(s) is required.

Section 164(A) Final approval rests with Legislative Standing Committee(s) or Council

<input type="checkbox"/>	Statement of Policy or Positive Law:		Sufficient	Insufficient
	1. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	IGA, Budget Resolutions, Budget Reallocations or amendments: (OMB and Controller sign ONLY if document expends or receives funds)			
	1. OMB: <u><i>[Signature]</i></u>	Date: <u>1-25-22</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	2. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OAG: <u><i>[Signature]</i></u>	Date: <u>2/2/22</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section 164(B) Final approval rests with the President of the Navajo Nation

<input type="checkbox"/>	Grant/Funding Agreement or amendment:			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	4. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Subcontract/Contract expending or receiving funds or amendment:			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. BRD: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	4. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	5. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Letter of Assurance/M.O.A./M.O.U./Other agreement not expending funds or amendment:			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	M.O.A. or Letter of Assurance expending or receiving funds or amendment:			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	4. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>



NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

DOREEN N. MCPAUL
Attorney General

KIMBERLY A. DUTCHER
Deputy Attorney General

MEMORANDUM

TO: Dr. Delores Greyeyes, Director
Department of Corrections
Division of Public Safety

FROM: _____ S/ _____
LaTonia B. Johnson, Assistant Attorney General
Human Services Government Unit, Dept. Of Justice

DATE: February 2, 2022

SUBJECT: RFS No. 17948: Request for \$3.5 mil from Judicial Public Safety Fund

The Department of Corrections (DOC) has submitted a Request for Services (RFS) to allow DOC to submit its project list to be reviewed and approved by the Law and Order Committee (LOC) of the Navajo Nation Council. The Judicial/Public Safety Facilities Fund was established to collect 25% of revenues from the Navajo Sales Tax for the purpose of providing funding for judicial and public safety facilities. Section I. The revenue generated from the Navajo Sales Tax is governed by the Fund Management Fund (FMP) that was approved by the Budget and Finance Committee, through BFD-66-11, and restricted to judicial and public safety facilities, through a Fund Priority List that are approved by the LOC. Section II. The projects or activities which may be funded by the FMP include, but are not limited to the following: (1) planning, site clearance, and development; (2) site improvements and landscape development; (3) utility access; (4) stress access and parking area; (5) construction, maintenance, renovation, and repair; and (6) Debt service for the financing of the above- activities. *Id.*

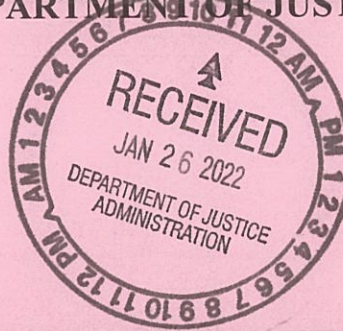
The project at issue is to replace the Window Rock Public Safety and Courts facility, which is consistent with the overall purpose of the FMP. However, the specific details of how the funds will be expended was not provided. In preparation for the LOC's review and consideration, it is recommended that DOC prepare a summary sheet that outlines a line items of how the funds will be expended and that those line items are consistent with Section II (e.g. planning, design, and construction, etc.) In the future, please process this matter and similar matters under "other" using the executive review process, not the 164A, with review by Office of Management and Budget, Office of the Controller, and Department of Justice before legislative review.

If you have any questions regarding this memorandum, please contact me via email at lajohnson@nndoj.org. Thank you.



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



☐ RESUBMITTAL

DOJ
1/26/22 @ 1037-
DATE / TIME
<input checked="" type="checkbox"/> 7 Day Deadline
DOC #: 17948
SAS #:
UNIT: Hsqw

*** FOR NNDJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. ***

CLIENT TO COMPLETE

DATE OF REQUEST:	1/26/2022	DIVISION:	Public Safety
CONTACT NAME:	Delores Greyeyes	DEPARTMENT:	Corrections
PHONE NUMBER:	(928) 871-7555	E-MAIL:	dgreyeyes@navajo-nsn.gov

TITLE OF DOCUMENT: Request for 3.5M from Judicial PubSafFund

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT:	1/27/22 @ 9pm	REVIEWING ATTORNEY/ADVOCATE:	AB LK cc: BT
DATE TIME OUT OF UNIT:	2-3-22 @ 9:40am		

DOJ ATTORNEY / ADVOCATE COMMENTS

emailed Dr. greyeyes @ 1106am 1/31/22 see memo dated 2/2/22

REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
		Umy	2/2/22

EMAILED:
DOJ Secretary Called: dgreyeyes for Document Pick Up on 2-3-22 at 9:40am By: CP

PICKED UP BY: (Print) DATE / TIME:

LAW AND ORDER COMMITTEE

Regular Meeting

April 11, 2022

Legislation No. 0055-22: An Act Relating to the Law and Order Committee; Allocating \$3,500,000 from the Judicial/Public Safety Facilities Fund to the Department of Corrections for the Assessment, Planning and Design of the Tséhoostooí Justice Center – *Sponsor: Honorable Wilson C. Stewart, Jr.*

VOTE TALLY SHEET: (Consent agenda)

Main Motion:

Motion: Honorable Eugene Tso

Second: Honorable Vince James

Vote: 3-0-2

Yea: Hon. Vince James, Hon. Eugene Tso, Hon. Otto Tso

Nay:

Not Voting: Hon. Eugenia Charles-Newton, Chairwoman and Hon. Edmund Yazzie

Excused: None

Absent: None



Eugenia Charles-Newton, Chairwoman
Law and Order Committee
24th Navajo Nation Council



Laureen Spencer, Legislative Advisor
Office of Legislative Services