

LEGISLATIVE SUMMARY SHEET

Tracking No. 0130-19

DATE: May 24, 2019

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

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

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

5-DAY BILL HOLD PERIOD: 2 days
Website Posting Time/Date: _____
Posting End Date: 5-29-19
Eligible for Action: 5-30-19

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

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL – First Year, 2019

INTRODUCED BY


(Prime Sponsor)

TRACKING NO. 0130-19

AN ACTION

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

BE IT ENACTED:

Section One. Authority

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102 (A).
- B. The Naabik'iyati' Committee of the Navajo Nation Council is empowered to review all proposed legislation which requires final action by the Navajo Nation Council. 2 N.N.C. § 164(A)(9).
- C. The Law and Order Committee of the Navajo Nation Council is empowered to serve as the oversight authority for the Division of Public Safety and the Judicial Branch Navajo Nation. 2 N.N.C. §§ 600 (C)(6).
- D. The Budget and Finance Committee of the Navajo Nation Council is empowered to review and recommend to the Navajo Nation Council the budgeting, appropriation, investment, and management of all funds. 2 N.N.C. § 301 (B) (2).

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

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

8 § 2502 Purpose

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

- 11 1. The planning and development of economic development
12 and regional infrastructure supporting economic development
13 and community development, including such infrastructure
14 as, but not limited to, housing, commercial and government
15 buildings, waterline, solid waste management development,
16 powerline projects, and transportation and communication
17 systems, within the Navajo Nation; and
- 18 2. Education opportunities for members of the Navajo
19 Nation.

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

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

27 12 N.N.C. § 2502, as amended by CJA-03-18.

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

1 shall be deposited in and added to Fund Principal until such time as a Fund
2 Expenditure Plan is duly adopted. 12 N.N.C. §§ 2504 and 2505 (C).
3

4 **Section Two. Findings**

- 5 A. The Dilkon Justice Center Plan is detailed in **Exhibits A and B**.
6 B. As set forth in **Exhibit A**, 10 acres of land was set aside for a medium district public
7 safety center. Phase one of the Dilkon Justice Center was completed in 2009. Phase
8 2 of the Dilkon Justice Center will include a police station and corrections facility.
9 C. A budget summary and detailed budget and justification are provided in **Exhibit B**.
10 D. The Dilkon Chapter of the Navajo Nation through Resolution No. DIL-2019-02-
11 130, at **Exhibit C**, has approved the Expenditure Plan for the Dilkon Justice Center
12 Project.
13

14 **Section Three. Approval and Adoption of Expenditure Plan**

- 15 A. The Navajo Nation hereby approves and adopts the Dilkon Justice Center
16 Expenditure Plan, attached and incorporated herein as **Exhibits A and B**.
17 B. The Navajo Nation hereby approves and adopts funding to Dilkon Chapter for thirty-
18 two million, nine hundred eighty-two thousand, thirty dollars (\$32,982,030.00).
19 C. The Síhasin Funds allocated for the Dilkon Justice Center Expenditure Plan may be
20 further leveraged by bond or loan financing pursuant to the Navajo Nation Bond
21 Financing Act, 12 N.N.C. § 1300 *et seq.*, as amended, using Síhasin Fund earnings
22 for repayment and financing costs upon the recommendation of the Budget and
23 Finance Committee and approval by a two-thirds (2/3) vote of all members of the
24 Navajo Nation Council.
25

26 **Section Four. Approval and Adoption of Expenditure Plan Administration**

27 The Navajo Nation hereby approves administration of the Dilkon Justice Center
28 Expenditure Plan as follows:
29
30

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

16 17 **Section Five. Effective Date**

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

20 21 **Section Six. Directives**

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

History

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

tabbles®

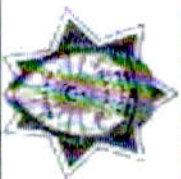
EXHIBIT

7



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History

- The Navajo Nation is in the process of expanding Public Safety Facilities throughout the Nation. In about 2008, the Nation commissioned a District Judicial / Public Safety Facilities Master Plan that identified the need for Police Stations, Courts, Peacemaking, Detention and Corrections Facilities. That Master Plan identified a need for Large, Medium and Small District Judicial / Public Safety Centers throughout the Nation. A new Master Plan is currently underway.
- The Dilkon District is identified as a Medium District Judicial / Public Safety Center according to the Master Plan.
- In 2008, the Judicial Branch was able to secure funding for the **Phase 1-Dilkon District Court Facility**, which was designed, constructed and began operations in 2009. The 10-acre site dedicated for the Dilkon Judicial / Public Safety Center is the site of the District Court and was planned so that the Police Station and Corrections Facilities can become the envisioned Medium District Judicial / Public Safety Center.

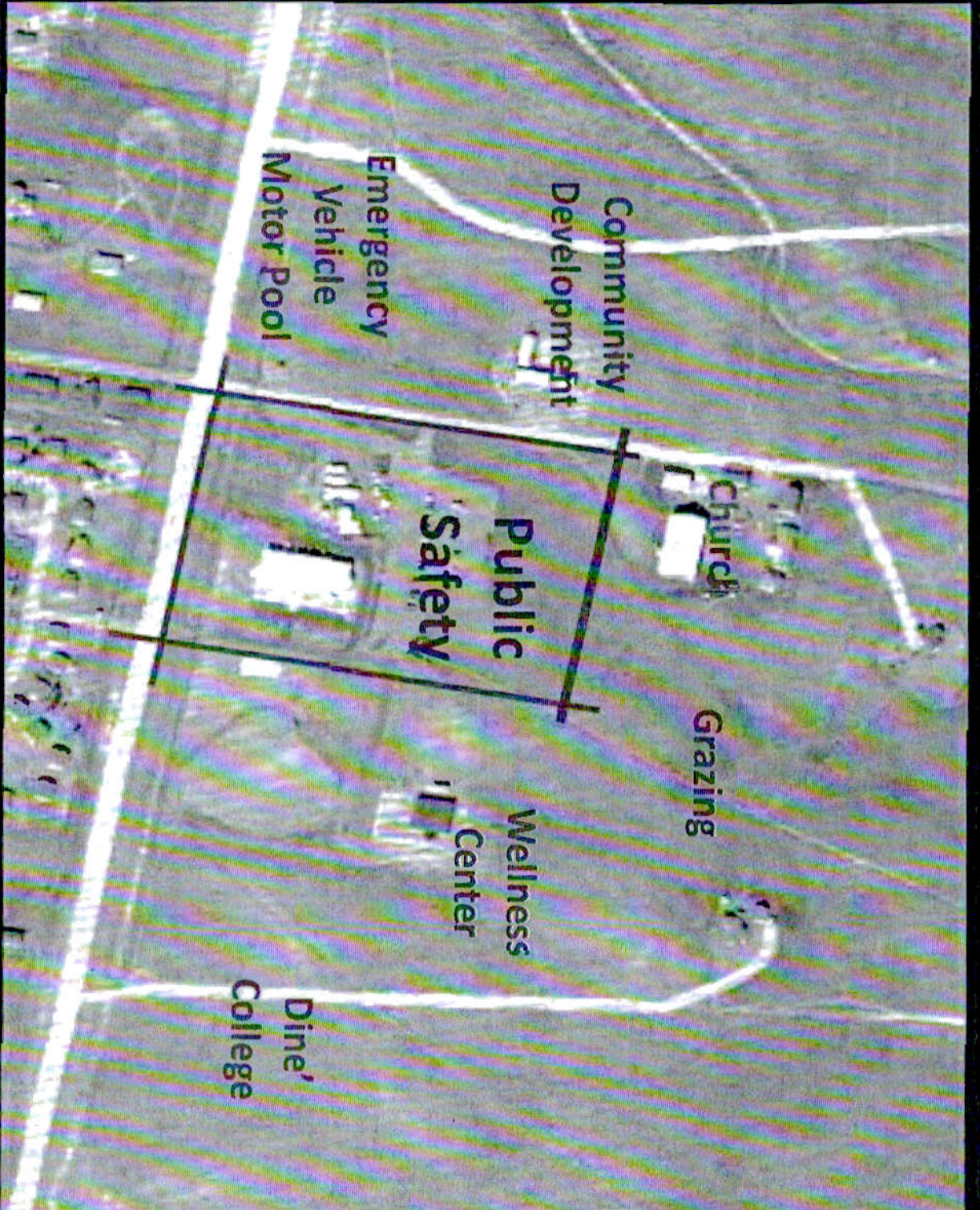


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History



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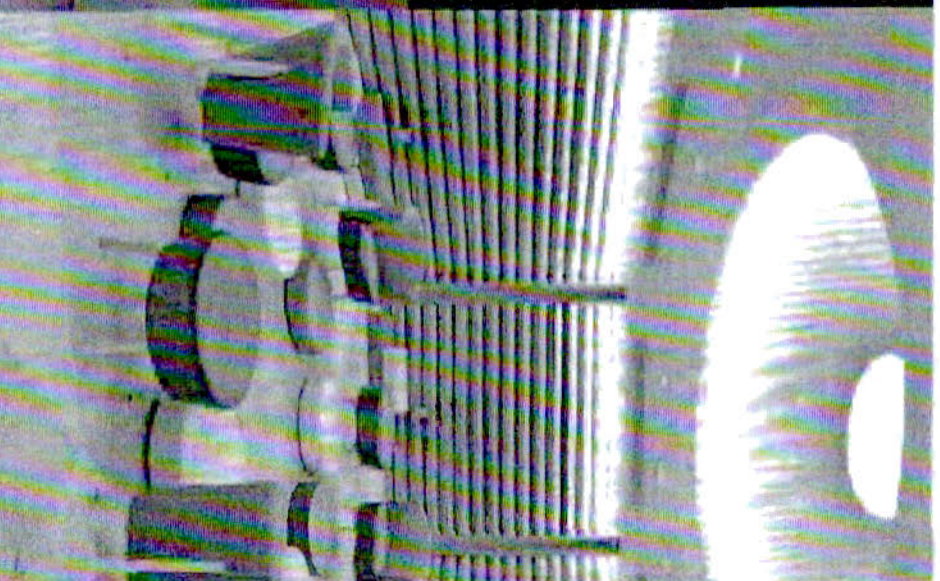
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History

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



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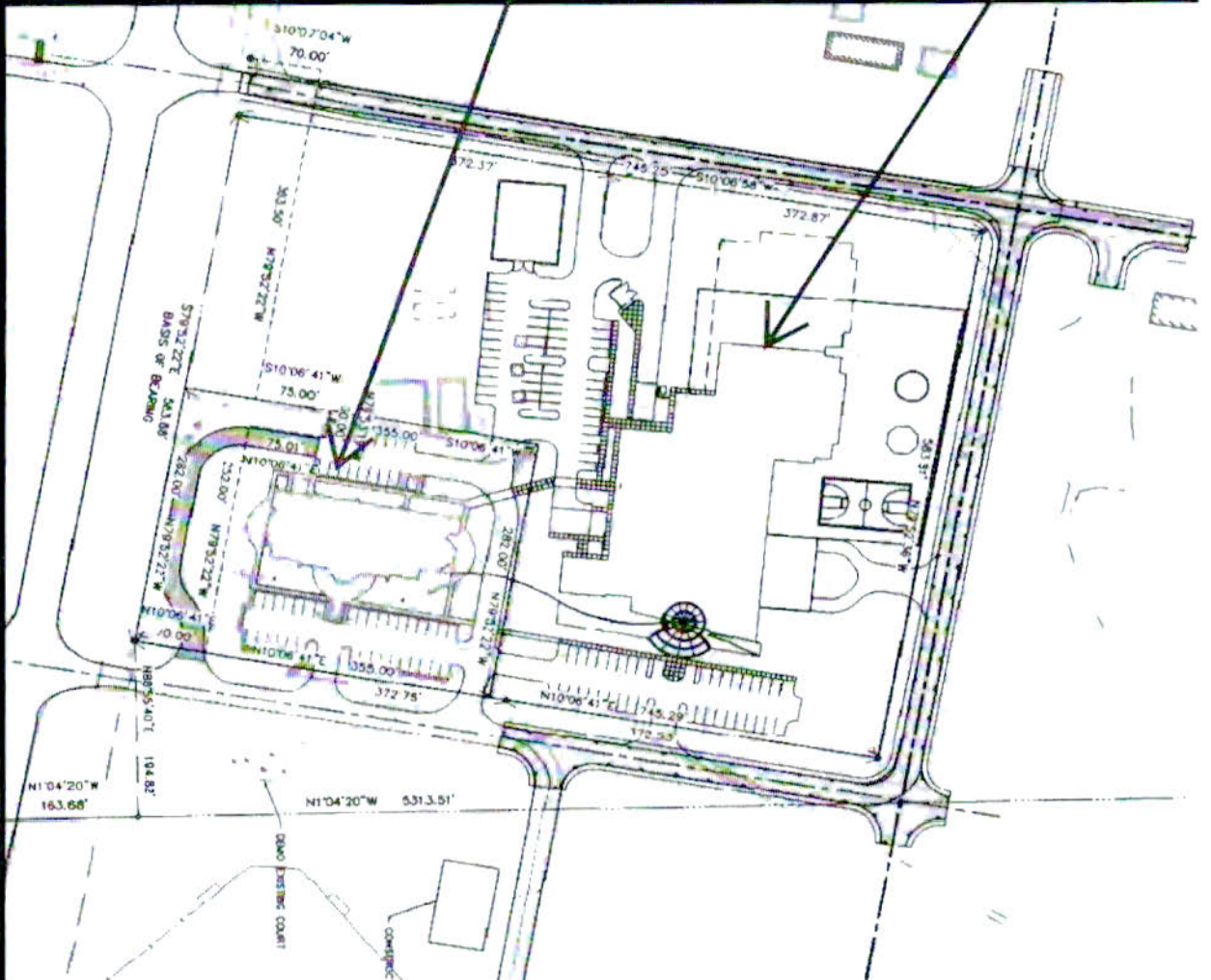
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Current Status

Dilkon Justice
Center, Phase
2 is ready for
construction.
Dilkon Courts,
Phase 1
completed in
2009.



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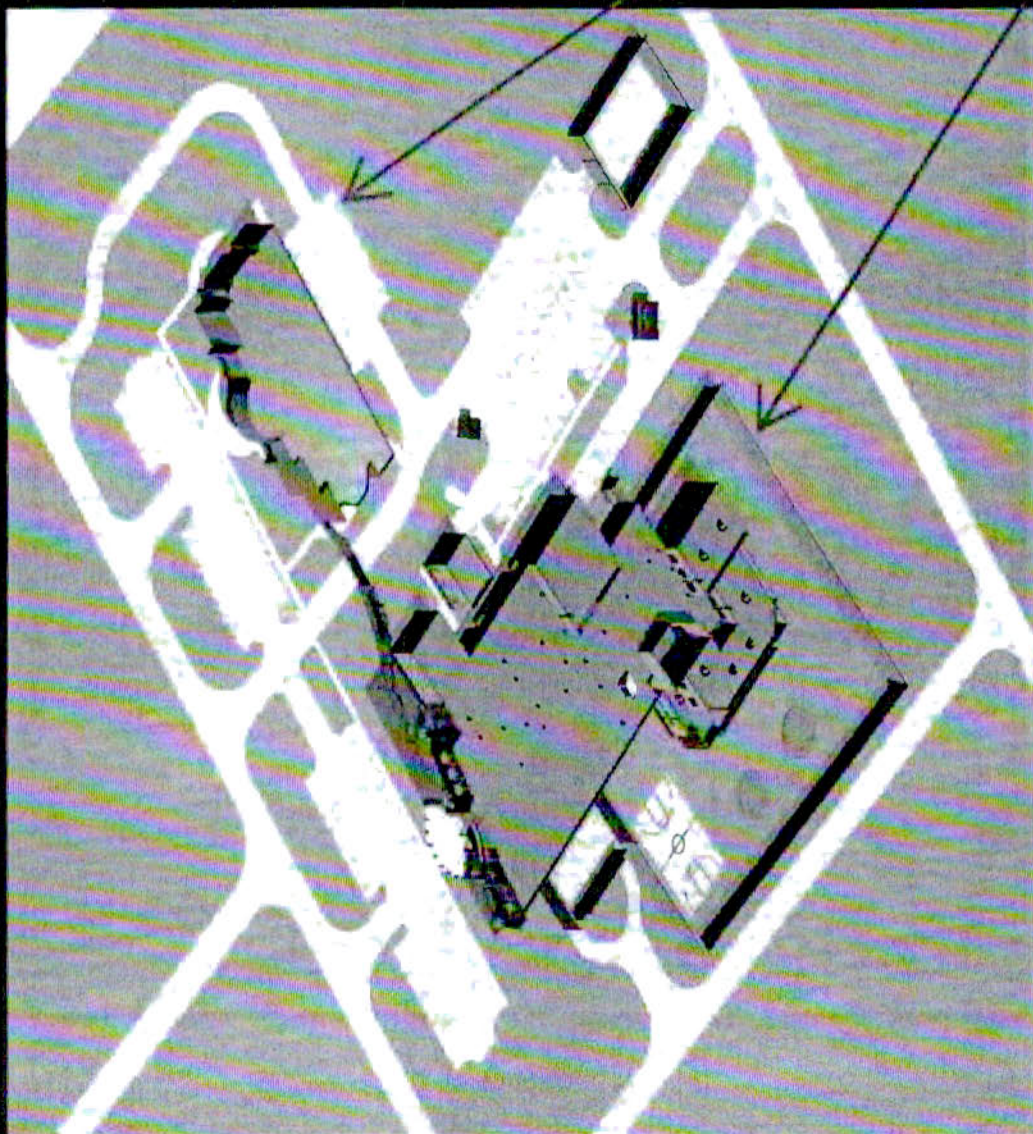


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Current Status

New Dilkon
Justice Center,
Phase 2.

Existing Dilkon
Court Building,
Phase 1



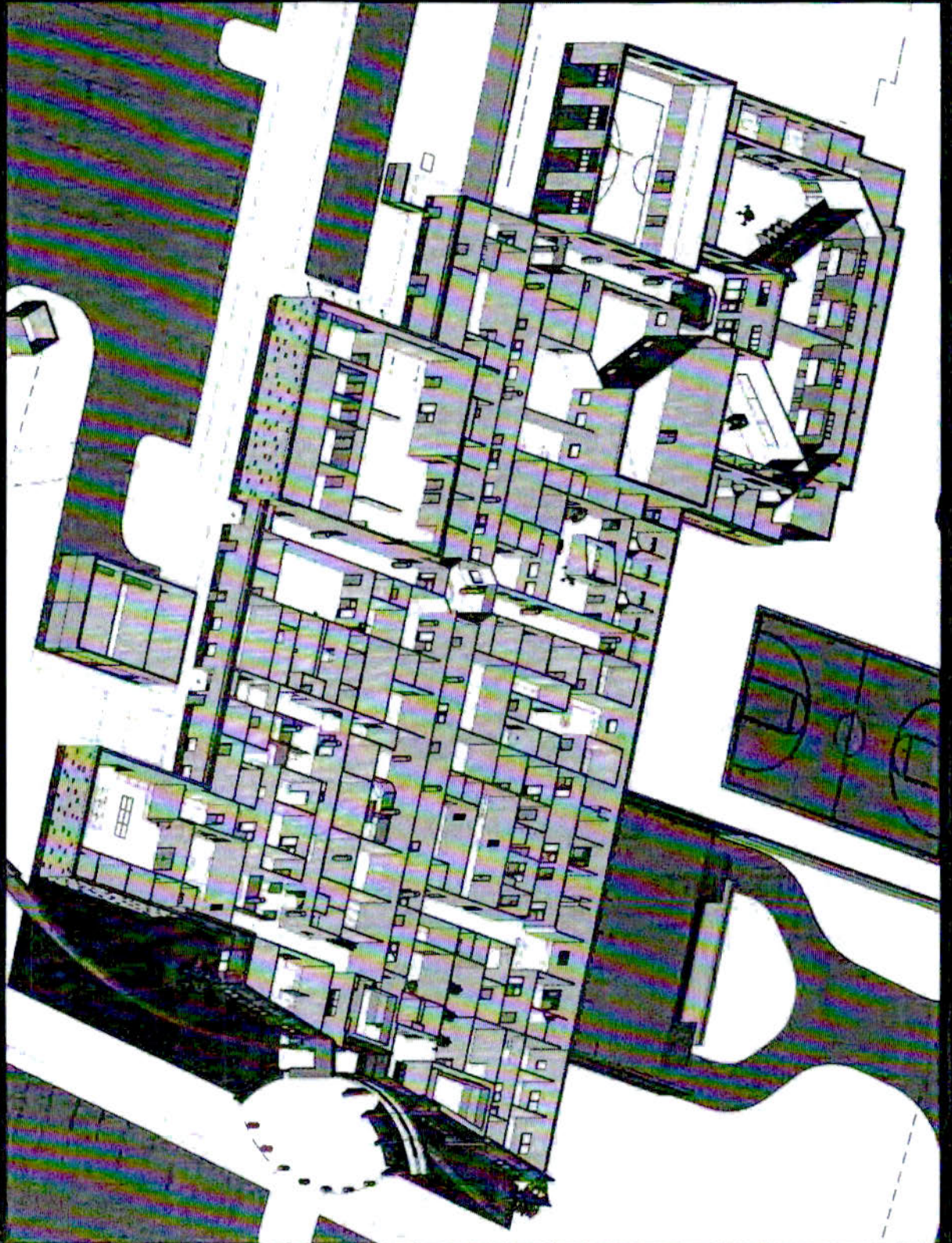
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Current Status



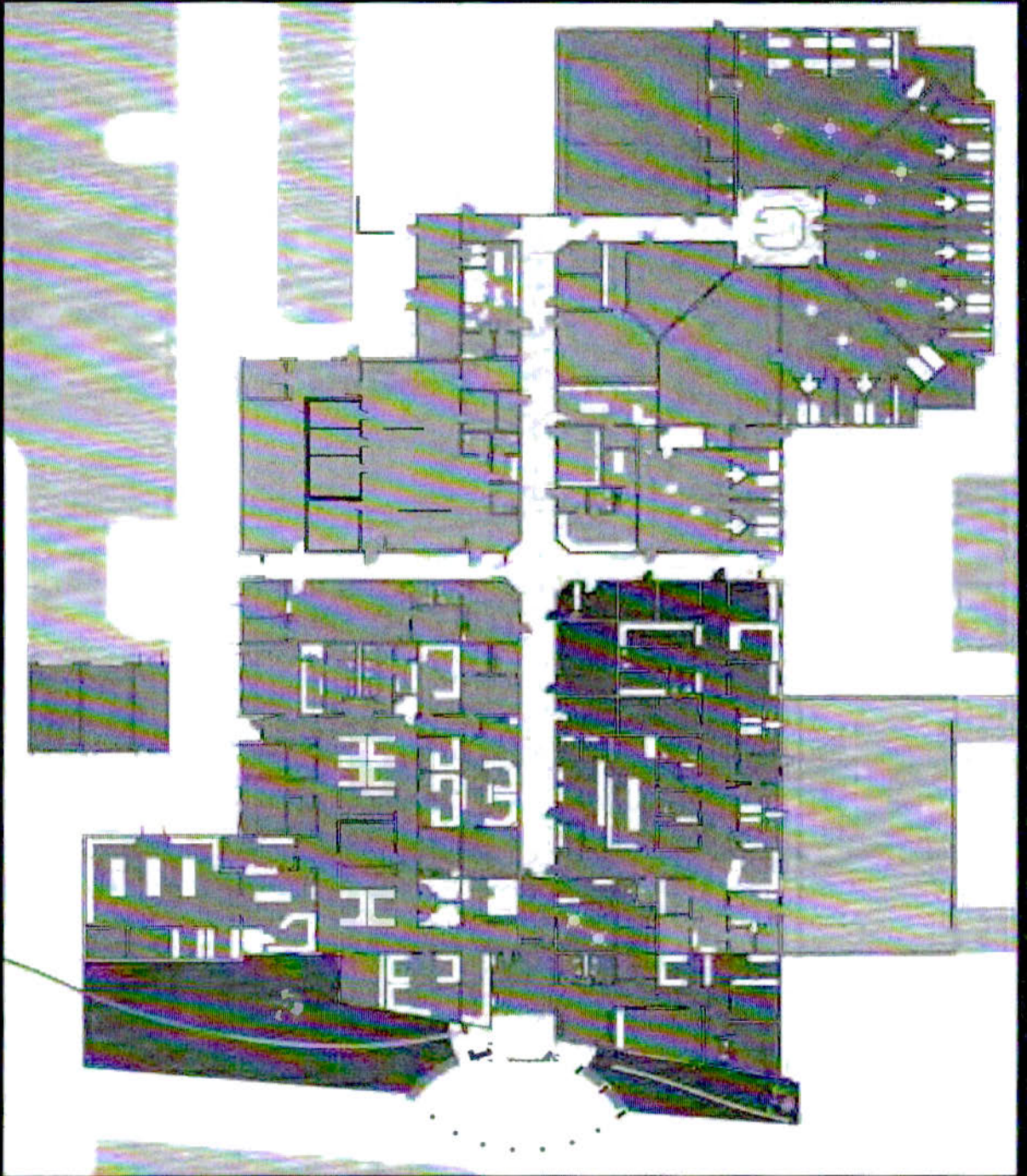
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Current Status



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Current Status



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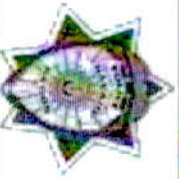
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Current Status

- Construction is on hold, pending additional funding



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Proposed Project Schedule

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



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Request

1. Request placement of the Dilkon Justice Center, Phase 2 at the top of the Priority List for Public Safety Facilities
2. Request funding for construction and equipping of the facility, immediately



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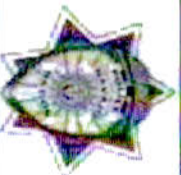
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Dilkon Justice Center, Phase 2



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JOHNSON SMITTHIPONG & ROSAMOND ASSOCIATES, INC.

5210 E Williams Circle, Suite 600 ■ Tucson, AZ 85711 ■ v:520.547.7904 ■ f:520.547.7905 ■ www.jsrarchinc.com

March 13, 2017

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

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

Ms. Greyeyes,

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

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

A handwritten signature in black ink, reading "Vernon Rosamond". The signature is fluid and cursive, with the first name "Vernon" and last name "Rosamond" clearly distinguishable.

Vernon Rosamond, AIA, ACHA, LEED AP
Vice President



JSR₆₀

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Dilkon Police & Corrections Facility





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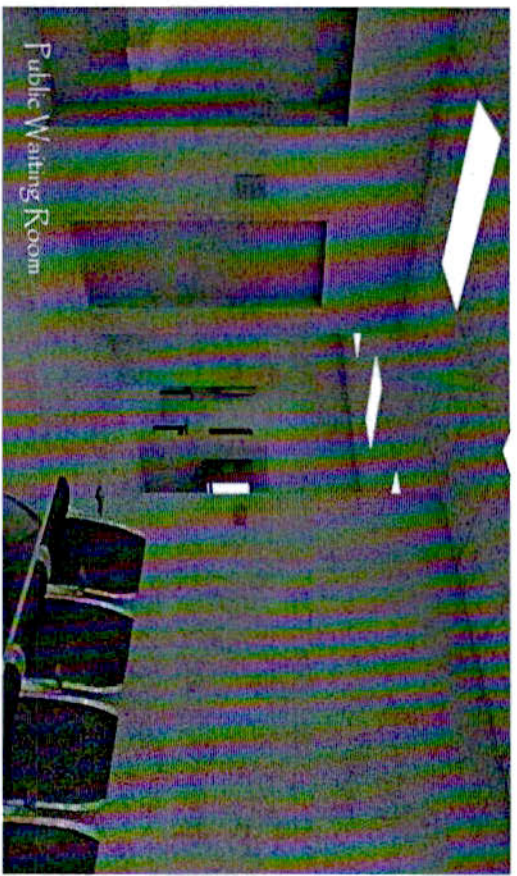
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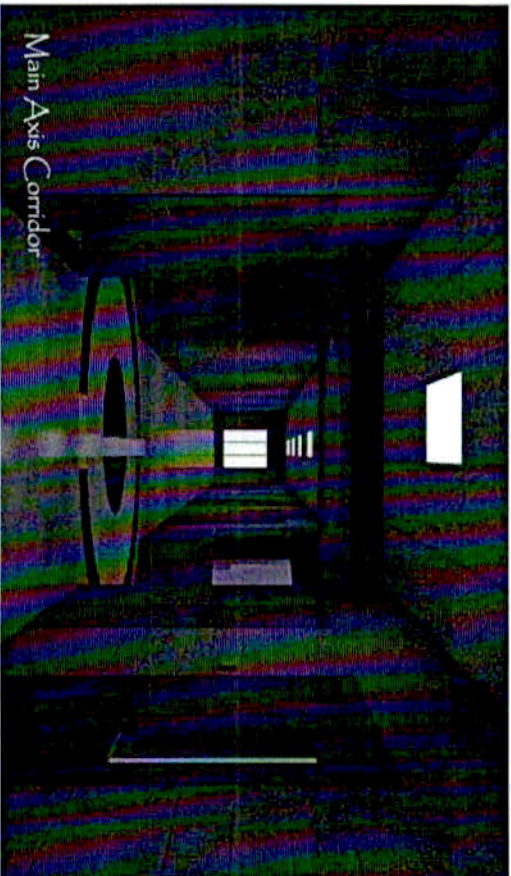




Main Lobby



Public Waiting Room



Main Axis Corridor



Main Housing Control Room



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Dilkon Police & Corrections Facility



**THE NAVAJO NATION
PROGRAM BUDGET SUMMARY**

FY 2019

BUDGET FORM 1

PART I. Business Unit No.: <u>NEW</u>		Program Title: <u>DILKON JUSTICE CENTER</u>		Division/Branch: <u>Public Safety</u>	
Prepared By: <u>Juanita Begay</u>		Phone No.: <u>928-871-7555</u>		Email Address: <u>jibegay@navajo-nsn.gov</u>	

PART II. FUNDING SOURCE(S)		Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY			(B)		(C)
					Fund Type Code	NNC Approved Original Budget	Proposed Budget	Difference (Column B - A)		
Shashin Fund		7/1/05	32,982,030.00	\$1.00						
					2001 Personnel Expenses				0	
					3000 Travel Expenses				0	
					3500 Meeting Expenses				0	
					4000 Supplies				0	
					5000 Lease and Rental				0	
					5500 Communications and Utilities				0	
					6000 Repairs and Maintenance				0	
					6500 Contractual Services		2,575,000		2,575,000	
					7000 Special Transactions				0	
					8000 Public Assistance				0	
					9000 Capital Outlay		30,407,030		30,407,030	
					9500 Matching Funds				0	
					9500 Indirect Cost				0	
TOTAL					TOTAL	\$0.00	32,982,030.00		32,982,030	

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

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

Delores Greeyes, PhD., MSW, Director SUBMITTED BY: Program Manager's Printed Name <u>Delores Greeyes 10-18-18</u> SUBMITTED BY: Program Manager's Signature and Date	Jesse Delmar, Division Director APPROVED BY: Division Director/Branch Chief's Printed Name <u>Jesse Delmar 10-18-18</u> APPROVED BY: Division Director/Branch Chief's Signature and Date
---	---

PART I. PROGRAM INFORMATION:

Business Unit No.: New

Program Name/Title: Dilkon Justice Center

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

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

PART III. PROGRAM PERFORMANCE CRITERIA:

1. Goal Statement:

Prepare Bid Package for site development and construction.

Program Performance Measure:

Select a Construction contract for site development and construction

2. Goal Statement:

Bidding and Award services for General Contractors.

Program Performance Measure:

Execute contract with successful bidders.

3. Goal Statement:

To begin Construction Phase by May, 2019.

Program Performance Measure:

Start construction by May, 2019

4. Goal Statement:

Hire additional consultants for materials testing, special inspection, and code inspection.

Program Performance Measure:

Execute successful contract with qualified firms

5. Goal Statement:

Program Performance Measure:

1st QTR		2nd QTR		3rd QTR		4th QTR	
Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
		1					
		1					
				1			
						1	

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

Delores Greeyes 10-18-18

Program Manager's Signature and Date

Jesse Delmar, Division Director

Division Director/Branch Chief's Printed Name

Jesse Delmar 10/18/18

Division Director/Branch Chief's Signature and Date

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

FY 2019

PART I. PROGRAM INFORMATION:		Business Unit No.: <u>NEW</u>	
Program Name/Title: <u>Dilkon Justice Center</u>			
PART II. DETAILED BUDGET:			
(A) Object Code (LOD 6)	(B) Object Code Description and Justification (LOD 7)	(C) Total by DETAILED Object Code (LOD 6)	(D) Total by MAJOR Object Code (LOD 4)
	Begin construction phase for a Medium District Public Safety, where 10 acres have been set aside for this project. This includes site development, roads, water and sewer lines, and construction.		
6520	Professional Services - Project Management Construction Phase Services	1,250,000	1,250,000
	6530 - Fees \$ 1,100,000.00		
	6540 - Expenses \$ 150,000.00		
	Total \$ 1,250,000.00		
6810	Architecture/Design	750,000	750,000
	6813 - Fees \$ 700,000.00		
	6814 - Expenses \$ 50,000.00		
	Total \$ 750,000.00		
6830	Other Technical Services	575,000	575,000
	6840 - Feasibility Services		
	6845 - Environmental Assessment/Survey		
	6850 - Diagnostics/Testing/Evaluation		
	6855 - Inspection/Appraisal Fees		
	6865 - Technical Services Expenses		
	Total \$ 575,000.00		
9050	Building - Construction Phase	30,407,030	30,407,030
	9052 - Building		
TOTAL		32,982,030	32,982,030

History

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



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Division of Public Safety





RESOLUTION NUMBER: DIL-2019-02-130 AMENDED

RESOLUTION OF THE DILKON CHAPTER OF THE NAVAJO NATION

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

WHEREAS:

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

NOW THEREFORE BE IT RESOLVED THAT:

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

CERTIFICATION

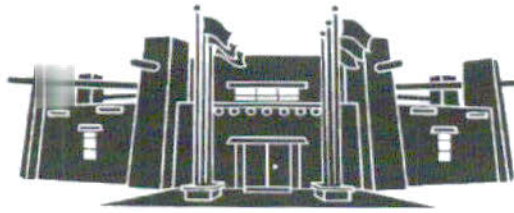
The Dilkon Chapter hereby approves the foregoing resolution was considered by the Dilkon Chapter at a duly called meeting in Dilkon, Navajo Nation, Arizona at which a quorum was present and that the same was passed by a vote of 30 in favor, 0 opposed, and 5 abstained, that 10TH day of February, 2019.

Motion By: Marilyn H. Lee

Second By: Cecilia Gonnice

A handwritten signature in black ink, appearing to read "Lorenzo Lee, Sr.".

Lorenzo Lee, Sr., Chapter President, Presiding Official



MEMORANDUM

TO: Honorable Elmer Begay
24th Navajo Nation Council

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

DATE: May 24, 2019

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

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

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

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