

RESOLUTION OF THE
LAW AND ORDER COMMITTEE OF THE
24th NAVAJO NATION COUNCIL -- First Year, 2019

AN ACTION

RELATING TO LAW AND ORDER COMMITTEE; APPROVING AND RECOMMENDING
TO THE BUDGET AND FINANCE COMMITTEE THE PROPOSED FISCAL YEAR
2020 BUDGET FOR THE NAVAJO NATION OFFICE OF PUBLIC DEFENDER

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Law and Order Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 600(A).
- B. The Law and Order Committee is the oversight committee for the Navajo Nation Office of Public Defender. 2 N.N.C. § 601(C)(1).
- C. Each oversight committee shall review and make recommendations to the Budget and Finance Committee concerning the budget in accordance with the annual budget instructions. 12 N.N.C. § 840 (A).

SECTION TWO. FINDINGS

- A. The Law and Order Committee held a budget hearing and took budget testimony regarding the Navajo Nation Office of Public Defender's Fiscal Year 2020 Budget. 12 N.N.C. § 840 (A).
- B. The Law and Order Committee recommends to the Budget and Finance Committee a fiscal year budget for the Navajo Nation Office of Public Defender. 12 N.N.C. § 840 (A).

SECTION THREE. APPROVING AND RECOMMENDING TO THE BUDGET AND
FINANCE COMMITTEE THE PROPOSED FISCAL YEAR 2020 BUDGET FOR THE
NAVAJO NATION OFFICE OF PUBLIC DEFENDER

- A. The Law and Order Committee hereby acknowledges the proposed Navajo Nation Fiscal Year (FY) 2020 Budget for the Navajo Nation Office of Public Defender recommended by the Office of the Navajo Nation President and Vice President, as provided on the Fund Type Budget Summary, attached as **Exhibit A**.

- B. The Law and Order Committee requests that the Budget and Finance Committee and the Navajo Nation Council adopt the changes to the Budget, as set forth in the General Fund Comparative Summary, **Exhibit B**, Recommended Changes to the General Fund Budget, **Exhibit C**, Recommended Conditions of Appropriation and Legislative Concerns, **Exhibit D**, and Recommended Unmet Needs, **Exhibit E**.

- C. The Law and Order Committee hereby recommends to the Budget and Finance Committee the following: All Units whose personnel accounts show vacant positions be authorized and encouraged to convert those positions into needed temporary positions until such time as qualified candidates can be appointed the full time position. Program units are to work with the Office of Management and Budget, Office of the Controller, Department of Personnel Management to accomplish this and are to report on a quarterly basis to the Law and Order Committee on their efforts in this regard.

- D. The Law and Order Committee recommends that all carry overs shall not lapse at the end of the fiscal year.

- E. The Law and Order Committee authorizes the Committee Chairperson or Vice-Chairperson to meet and negotiate with the Budget and Finance Committee on these recommendations.

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 Chinle, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 03 in Favor, and 00 Opposed, on this 29th day of July 2019.



Honorable Otto Tso, Vice-Chairperson
Law and Order Committee

Motioned: Honorable Vince James
Second : Honorable Eugene Tso

**The Navajo Nation
General Fund Comparative Summary**

Branch: _____

Executive _____

Division: Office of President/Vice President

(A) Business Unit Number	(B) Program Title	(C) Branch Chiefs Proposed FY 2020 General Fund Budget	(D) Oversight Committee's Recommended FY 2020 General Fund Budget	(E) Plus or minus \$ difference (Column D minus C)
104003	Office of Navajo Public Defender	1,275,000	1,275,000	0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
TOTAL:		1,275,000	1,275,000	0

- ✓ The Office of Navajo Public Defender provides essential governmental services to the elderly, youth (children) and veterans.
- ✓ There are seven (7) full-time defenders at present serving our Dine people charged with criminal violations in twelve (12) district and family courts and in the Navajo Nation Supreme Court.
- ✓ Legal defense services to clients include use of Fundamental Law and Peacemaking with a goal of restoring peace and harmony to family members..
- ✓ In addition to legal advice and representation, Attorneys and Tribal Advocates provide counseling to clients aimed at reducing recidivism rates. Clients are also referred to service providers such as Department of Behavioral Health Services, IHS Mental Health, etc.
- ✓ In FY 2017, the Office of Navajo Public Defender closed 984 cases; in 2018, 1,261 cases were closed. The increase reflects an increased number of prosecutors from seven (7) to seventeen (17) in one year and a backlog of criminal cases that are now being filed or were previously filed by the Navajo Nation.
- ✓ Present staffing for the Office of Navajo Public Defender has remained unchanged at 13 positions. Besides the Director, there are four (4) Attorney positions (one of which is filled; however, employee's membership in Navajo Nation Bar Association is pending bar exam); three (3) Senior Tribal Court Advocates.
- ✓ In FY 2018, an attorney public defender position for Shiprock District was eliminated by line-item veto.

**The Navajo Nation
Recommended Unmet Needs Budgets**

Branch:

Executive

Division: Office of President/Vice President

(A) Business Unit Number	(B) Program Title	(C) Amount of Unmet Need	(D) Explanation of Recommended UNMET NEEDS to the FY 2020 General Fund Budget
104003	Office of Navajo Public Defender	49,707	Window Rock - salary & fringe benefits for 6 months for practitioner serving Chinle and Dził Yíjín communities.
		4,971	Overhead expenses for bar dues, CLE training, furniture, computer equipment, travel, office supplies, etc.
		49,707	Shiprock - Shiprock & Aneth Districts are served by one (1) Court Advocate. This would increase practitioners to two (salary & fringe benefits 6 months).
		4,971	(See above)
		49,707	Crownpoint - Crownpoint, Ramah, Alamo, Tohajiilee Districts are served by one (1) Attorney. This would increase practitioners to two (salary & fringe benefits 6 months)
		4,971	(See above)
TOTAL:		164,034	

NAVAJO NATION

RCS# 155

LOC Regular Meeting

7/29/2019

11:40:56 AM

Amd# to Amd#

Legislation No. 0219-19

PASSED

MOT James, V

SEC Tso, E

Yea : 3

Nay : 0

Excused : 0

Not Voting : 2

Yea : 3

Charles-Newton

James, V

Tso, E

Nay : 0

Excused : 0

Not Voting : 2

Tso, O

Yazzie