

LEGISLATIVE SUMMARY SHEET

Tracking No. 0278-23

DATE: December 12, 2023

TITLE OF RESOLUTION:

RELATING TO THE LAW AND ORDER COMMITTEE; APPROVING THE JUDICIAL/PUBLIC SAFETY FACILITIES FUND PRIORITY LIST FOR FISCAL YEARS 2023 AND 2024, AS AGREED TO BY THE JUDICIAL BRANCH AND THE DIVISION OF PUBLIC SAFETY

PURPOSE: This resolution, if approved, will approve the Judicial/Public Safety Facilities Fund Priority List for FY 2023 and 2024.

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

Website Posting Time/Date 10:46 AM 12-29-23Posting End Date: 01-03-24Eligible for Action: 01-04-24

PROPOSED STANDING COMMITTEE RESOLUTION

25th NAVAJO NATION COUNCIL – First Year, 2023

Introduced by:



(Prime Sponsor)

Tracking No. 0278-23

AN ACT

**RELATING TO THE LAW AND ORDER COMMITTEE; APPROVING
THE JUDICIAL/PUBLIC SAFETY FACILITIES FUND PRIORITY LIST
FOR FISCAL YEARS 2023 AND 2024, AS AGREED TO BY THE JUDICIAL
BRANCH AND THE DIVISION OF PUBLIC SAFETY**

BE IT ENACTED:

SECTION ONE. AUTHORITY

The Navajo Nation established the Law and Order Committee as a standing committee with the authority to fund public safety facilities from the Navajo Sales Tax revenue. 2 N.N.C. §600(A); CJA-03-13, Section 5, 30 (2013); and BFD-66-11 approving the JUDICIAL/PUBLIC SAFETY FACILITIES FUND MANAGEMENT PLAN, Sections I and II (2011).

SECTION TWO. FINDINGS

A. The Navajo Nation Council established the Judicial/Public Safety Facilities Fund. Allocations from the Fund are approved pursuant to the Judicial/Public Safety Facilities Fund Management Plan. 24 N.N.C. §620(B).

B. The Law and Order Committee approves a Judicial/Public Safety Facilities “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

1 Fund.” BFD-66-11 approving the JUDICIAL/PUBLIC SAFETY FACILITIES FUND MANAGEMENT
2 PLAN, Section III.C. (2011).

3 C. On November 9, 2023, the Judicial Branch and the Division of Public Safety entered into an
4 Agreement for Fiscal Years 2023 and 2024, identifying their five priority projects, and now
5 request the Law and Order Committee’s review and approval of the Fund Priority List
6 attached as **Exhibit 1**.

7 8 **SECTION THREE. APPROVING THE FUND PRIORITY LIST**

9 The Law and Order Committee hereby approves the Judicial/Public Safety Facilities Fund
10 Priority List for Fiscal Years 2023 and 2024 as shown in the Final Agreement between the
11 Judicial Branch and the Division of Public Safety, attached as **Exhibit 1**. BFD-66-11 approving
12 the JUDICIAL/PUBLIC SAFETY FACILITIES FUND MANAGEMENT PLAN, Section III. C. (2011).

13 14 **SECTION FOUR. FUND ADMINISTRATION**

15 With the assistance of the Controller, the Judicial Branch and the Division of Public Safety shall
16 ensure that all allocated funds for the five priority projects shown in **Exhibit 1** are properly
17 administered, and that all expenditures are for the purposes set forth in the Fund Management
18 Plan. BFD-66-11 approving the JUDICIAL/PUBLIC SAFETY FACILITIES FUND MANAGEMENT
19 PLAN, Section III. A. and B. (2011).

20 21 **SECTION FIVE. EFFECTIVE DATE**

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

23 24 **SECTION SIX. SAVING CLAUSE**

25 If any provision of this Act is determined invalid by the Supreme Court of the Navajo Nation,
26 or by a Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, the
27 provision(s) not determined invalid shall remain as Navajo Nation law.

JUDICIAL BRANCH OF THE NAVAJO NATION




The Honorable JoAnn B. Jayne
Chief Justice of the Navajo Nation

Karen Francis
Acting Administrative Director

MEMORANDUM

TO: Honorable Eugenia Charles-Newton, Chairwoman
Honorable Cherilyn Yazzie, Vice Chairwoman
Honorable Steve R. Arviso, Member
Honorable Herman M. Daniels, Member
Honorable Nathan Notah, Member
Law and Order Committee
NAVAJO NATION COUNCIL

FROM: 
Karen Francis, Acting Administrative Director
Administrative Offices of the Courts
JUDICIAL BRANCH OF THE NAVAJO NATION

DATE: November 9, 2023

SUBJECT: Judicial/Public Safety Fund Priority List

The Judicial Branch is transmitting the final agreement on the Judicial/Public Safety Facilities Priority Projects List between the Judicial Branch and the Division of Public Safety to the Law and Order Committee.

Pursuant to BFD-66-11, Amending the Judicial/Public Safety Facilities Fund Management Plan, the Facilities Project Priority list is to be updated every two years by the Judicial Branch and the Division of Public Safety and approved by the Law and Order Committee. The priority project list is for 2023-2024.

If you should have any questions, please contact me at karenfrancis@navajo-nsn.gov. Thank you.

Attachment

Xc: File
Honorable JoAnn Jayne, Chief Justice
Michael Anderson, Division of Public Safety Director
Cherie Espinosa, Associate Attorney
Laureen Spencer, Legislative Advisor
LaVonne Wauneka, Judicial Staff Assistant

AGREEMENT

RECOMMENDING APPROVAL OF JUDICIAL/PUBLIC SAFETY FACILITIES FUND PRIORITY LIST FOR FISCAL YEARS 2023 AND 2024 AS PROVIDED BY THE JUDICIAL/PUBLIC SAFETY FACILITIES FUND MANAGEMENT PLAN

WHEREAS,

- A. The Judicial Branch ("Branch") and the Division of Public Safety ("Division") are joint administrators of the Judicial/Public Safety Facilities Fund Management Plan.
- B. The Fund requires that a priority listing of facilities for funding be approved beginning with Fiscal Years 2008-2009 and every two years thereafter.
- C. 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.
- D. 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.

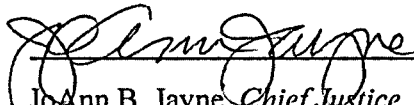
THEREFORE,

- A. 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 – Temporary Relocation of Window Rock Corrections District for temporary housing arrestees.
 - 2. Shiprock, Navajo Nation, New Mexico – Temporary Relocation of Shiprock Department of Corrections for district administration and temporary housing of arrestees.
 - 3. Fort Defiance, Navajo Nation, Arizona/New Mexico – Division of Public Safety, Window Rock Judicial District, Correctional and NDPS Headquarters Facilities.
 - 4. Shiprock, Navajo Nation, New Mexico – Tse Bit'ai Judicial/Public Safety/Correctional/Medical Examiner Facilities
 - 5. Chinle, Navajo Nation, Arizona – Public Safety Training and Medical Examiner Facilities
 - 6. Dilkon, Navajo Nation, Arizona – Public Safety/Correctional Facilities
 - 7. Dził Yijiin, Navajo Nation, Arizona – Judicial/Public Safety/Correctional Facilities
 - 8. Ramah, Navajo Nation, New Mexico – Judicial Facility
 - 9. Window Rock, Navajo Nation, Arizona – Supreme Court/Peacemaking/Administration Facilities
 - 10. Aneth, Navajo Nation, Utah – Judicial/Public Safety/Correctional Facilities
 - 11. Alamo, Navajo Nation, New Mexico – Judicial/Public Safety/Correctional Facilities
 - 12. Pueblo Pintado, Navajo Nation, New Mexico – Public Safety/Correctional Facilities

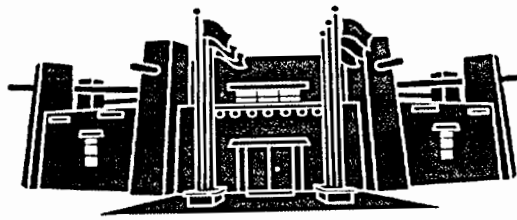
13. To'hajiilee, Navajo Nation, New Mexico –Public Safety/Correctional Facilities
14. Tuba City, Navajo Nation, Arizona – Fire Department and Emergency Medical Services Facility
15. Leupp, Navajo Nation, Arizona – Public Safety Substation
16. Kaibeto, Navajo Nation, Arizona – Public Safety Substation
17. Cameron, Navajo Nation, Arizona – Public Safety Substation

- B. 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.
- C. 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.
- D. 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 9th day of November 2023.

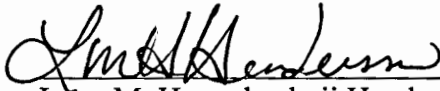

JoAnn B. Jayne, *Chief Justice*
Judicial Branch of the Navajo Nation


Michael Anderson, *Division Director*
Division of Public Safety



MEMORANDUM

TO: Hon. Eugenia Charles-Newton, Council Delegate
25th Navajo Nation Council

FROM: 
Loya M. Honaghaahnii Henderson, Attorney
Office of Legislative Counsel

DATE: December 12, 2023

SUBJECT: **RELATING TO THE LAW AND ORDER COMMITTEE; APPROVING
THE JUDICIAL/PUBLIC SAFETY FACILITIES FUND PRIORITY LIST
FOR FISCAL YEARS 2023 AND 2024, AS AGREED TO BY THE JUDICIAL
BRANCH AND THE DIVISION OF PUBLIC SAFETY**

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.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees' powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. 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).

Please ensure that his 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 NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0278-23_

SPONSOR: Eugenia Charles-Newton

TITLE: An Action Relating to the Law and Order Committee; Approving the Judicial/Public Safety Facilities Fund Priority List for Fiscal Years 2023 and 2024, as Agreed to by the Judicial Branch and the Division of Public Safety

Date posted: December 29, 2023 at 10:46AM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

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

LEGISLATION NO.: 0278-23

SPONSOR: Honorable Eugenia Charles-Newton

TITLE: An Action Relating to the Law and Order Committee; Approving the Judicial/Public Safety Facilities Fund Priority List for Fiscal Years 2023 and 2024, as Agreed to by the Judicial Branch and the Division of Public Safety

Posted: December 29, 2023 at 10:46 AM

5 DAY Comment Period Ended: January 04, 2024

Digital Comments received:

| | |
|---------------------------------|-------------|
| Comments Supporting | <i>None</i> |
| Comments Opposing | <i>None</i> |
| Comments/Recommendations | <i>None</i> |


**Legislative Secretary II
Office of Legislative Services**

January 4, 2024 8:05 AM
Date/Time

**LAW AND ORDER COMMITTEE
25TH NAVAJO NATION COUNCIL**

SECOND YEAR 2024

COMMITTEE REPORT

Ms. Speaker,

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

Legislation No. 0278-23: An Act Relating to the Law and Order Committee; Approving the Judicial/Public Safety Facilities Fund Priority List for Fiscal Years 2023 and 2024, As Agreed to by the Judicial Branch and the Division of Public Safety – Sponsor: Honorable Eugenia Charles-Newton/Co-Sponsor: Honorable Crystalyne Curley

Has had it under consideration and reports the Law and Order Committee tabled Legislation No. 0278-23 from anytime before 45 days to address the issue in a Leadership Meeting.

Respectfully submitted,



Steven R. Arviso, Pro Tem Chairperson
Law and Order Committee
25th Navajo Nation Council

Date: January 8, 2024

Motion to Table:

Motion : Honorable Nathan Notah
Second : Honorable Eugenia Charles-Newton
Vote : 2-0-3

**LAW AND ORDER COMMITTEE
25TH NAVAJO NATION COUNCIL**

**Regular Meeting
January 08, 2024**

Legislation No. 0278-23: An Act Relating to the Law and Order Committee; Approving the Judicial/Public Safety Facilities Fund Priority List for Fiscal Years 2023 and 2024, As Agreed to by the Judicial Branch and the Division of Public Safety – Sponsor: Honorable Eugenia Charles-Newton/Co-Sponsor: Honorable Crystalyne Curley

VOTE TALLY SHEET:

Main to Table:

Motion: Honorable Nathan Notah

Second: Honorable Eugenia Charles-Newton

Vote: 2-0-3

Yea: Honorable Eugenia Charles-Newton/Honorable Nathan Notah

Nay: None

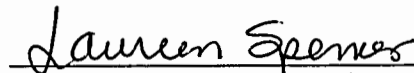
Not Voting: None

Excused: Honorable Cherilyn Yazzie/Honorable Herman M. Daniels, Jr.

Absent: None



Steven R. Arviso, Pro Tem Chairperson
Law and Order Committee
25th Navajo Nation Council



Laureen Spencer, Legislative Advisor
Office of Legislative Services

**LAW AND ORDER COMMITTEE
25TH NAVAJO NATION COUNCIL**

SECOND YEAR 2024

COMMITTEE REPORT

Ms. Speaker,

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

Legislation No. 0278-23: An Act Relating to the Law and Order Committee; Approving the Judicial/Public Safety Facilities Fund Priority List for Fiscal Years 2023 and 2024, As Agreed to by the Judicial Branch and the Division of Public Safety – Sponsor: Honorable Eugenia Charles-Newton/Co-Sponsor: Honorable Crystalyne Curley

Has had it under consideration and reports the Law and Order Committee tabled Legislation No. 0278-23 twice. Rule 18. Tabling Motion: D. Majority vote of Committee members casting a vote shall cause this motion to carry. Legislation or an issue which has been tabled twice shall be deemed permanently eliminated from the agenda of the Committee.

Respectfully submitted,



Cherilyn Yazzie, Pre-Tem Chairperson
Law and Order Committee
25th Navajo Nation Council

Date: March 04, 2024

Motion to Table:

Motion : Honorable Herman M. Daniels, Jr.
Second : Honorable Steven Arviso
Vote : 3-0-2

**LAW AND ORDER COMMITTEE
25TH NAVAJO NATION COUNCIL
Special Meeting
March 04, 2024**

Legislation No. 0278-23: An Act Relating to the Law and Order Committee; Approving the Judicial/Public Safety Facilities Fund Priority List for Fiscal Years 2023 and 2024, As Agreed to by the Judicial Branch and the Division of Public Safety – Sponsor: Honorable Eugenia Charles-Newton/Co-Sponsor: Honorable Crystalyne Curley

VOTE TALLY SHEET:

Motion to Table on March 04, 2024:

Motion: Honorable Herman M. Daniels, Jr.

Second: Honorable Steven Arviso

Vote 3-0-2

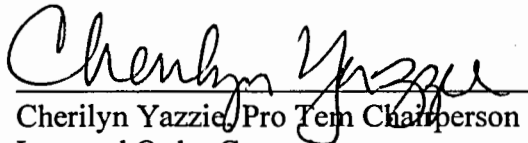
Yea: Honorable Eugenia Charles-Newton/Honorable Steven Arviso/Honorable Herman M. Daniels, Jr.

Nay: None

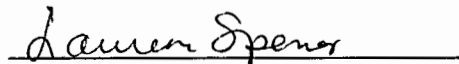
Not Voting: Honorable Cherilyn Yazzie

Excused: Honorable Nathan Notah

Absent: None



Cherilyn Yazzie, Pro Tem Chairperson
Law and Order Committee
25th Navajo Nation Council



Lauren Spencer, Legislative Advisor
Office of Legislative Services

Note: The Leadership Meeting was held on February 01, 2024 with Judicial Branch and Division of Public Safety, and February 16, 2024, Work Session was held with Judicial Branch and Division of Public Safety and the priority agreement was revised at that time and ready for consideration.

VOTE TALLY SHEET:

Main Motion to Table on January 08, 2024:

Motion: Honorable Nathan Notah

Second: Honorable Eugenia Charles-Newton

Vote: 2-0-3

Yea: Honorable Eugenia Charles-Newton/Honorable Nathan Notah

Nay: None

Not Voting: None

Excused: Honorable Cherilyn Yazzie/Honorable Herman M. Daniels, Jr.

Absent: None

(To address the issue in a Leadership Meeting, the meeting was chaired by Honorable Steven Arviso)