

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; APPROVING A BUDGET TRANSFER WITHIN THE JUDICIAL/PUBLIC SAFETY FACILITIES FUND OF \$2,726,729.24 FROM THE CHINLE JUDICIAL/ PUBLIC SAFETY CENTER PROJECT (BUSINESS UNIT NO. C01493) INTO A NEW BUSINESS UNIT FOR THE DIVISION OF PUBLIC SAFETY/ DEPARTMENT OF CORRECTIONS TO USE ON PROJECT MANAGEMENT SERVICES FOR ITS NUMEROUS PROJECTS AT SEVERAL CHAPTERS

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Law and Order Committee was established as a standing committee of the Navajo Nation Council; as such, the Committee has 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. 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 B**.

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. **EXHIBIT C**. The Department of Corrections ("DOC") implements and manages these major public facilities projects using approved allocations from the JPSF Fund.
- B. Specifically, Section II of the Fund Management Plan allows the JPSF Fund to be used for activities including, but not limited to, project planning, site clearance, and development for judicial/public safety facilities. **EXHIBIT B**.
- C. DOC is requesting a budget transfer of \$2,726,729.24 out of Business Unit No. C01493 (designated for the Chinle Judicial/Public Safety Center) and into a yet-to-be-created Business Unit, for DOC's use on its already-contracted project management firm. DOC proposes to use the \$2,726,729.24 to pay for the on-call project manager's professional services such as project planning and other activities related to DOC's numerous projects at several Chapters. The project manager's services are urgently needed to get these judicial/public safety projects shovel ready.
- D. DOC's explanation of the need for funds, and its budget transfer form, are attached as **EXHIBIT D**. A proposed scope of work for the on-call project manager is attached as **EXHIBIT E**.
- E. The Navajo Nation's Judicial Branch and the Division of Public Safety have agreed upon five high-priority projects. **EXHIBIT F**. DOC's project manager will be

assigned to these projects from time to time, as necessary and appropriate.

- F. The Office of the Controller has verified that the \$2,726,729.24 amount requested by DOC is available in the JPSF Fund, Business Unit No. C01493. **EXHIBIT G.** As explained in the Controller's memo, the Chinle Judicial/Public Safety Center project has been completed and the leftover funds, except for \$106,931.43 that remains encumbered for another purpose, are not needed for the Chinle project. Therefore, DOC desires to use this available amount in Business Unit No. C01493 for its on-call project manager.
- G. The Navajo Nation finds that the request by the Department of Corrections for \$2,726,729.24 in funding from the Judicial/Public Safety Facilities Fund for an on-call project manager is in the best interest of the Navajo Nation. As proposed by DOC, the project manager's work will facilitate the completion of the various judicial/public safety projects that are urgently needed in several communities across the Navajo Nation.

SECTION THREE. APPROVING BUDGET TRANSFER

The Navajo Nation hereby approves a budget transfer within the Judicial/Public Safety Facilities Fund of \$2,726,729.24 out of Business Unit No. C01493 (designated for the Chinle Judicial/Public Safety Center project) into a new Business Unit to be established by the Office of the Controller. The transferred funds shall be used by the Department of Corrections for on-call project management services for DOC's numerous judicial/public safety projects that are ongoing, as explained in the attached EXHIBIT D and EXHIBIT E.

SECTION FOUR. DIRECTIVE

The Office of the Controller is hereby directed to create a new account, with a new Business Unit number, that will be designated for use by the Department of Corrections to pay for its contracted project manager. The Office of the Controller shall then transfer \$2,726,729.24 out of Business Unit No. C01493 and put the \$2,726,729.24 into the new Business Unit account, as requested by DOC in the attached EXHIBIT E.

SECTION FIVE. EFFECTIVE DATE

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

SECTION SIX. 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.



Honorable Otto Tso, Vice Chairperson
Law and Order Committee

Motioned: Honorable Eugene Tso
Second : Honorable Vince James

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).

§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.

- 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

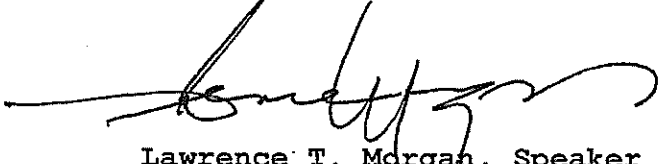
The provisions of this Act which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

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

I hereby certify that the foregoing resolution was duly considered by the 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 67 in favor and 13 opposed, this 24th day of January 2007.

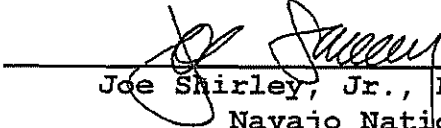

Lawrence T. Morgan, Speaker
Navajo Nation Council

25 Jan 07
Date

Motion: Hope MacDonald-Lonetree
Second: Philbert Tso

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10), on this _____ day of FEB 05 2007 2007.



Joe Shirley, Jr., President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2007 for the reason(s) expressed in the attached letter to the Speaker.

Joe Shirley, Jr., President
Navajo Nation

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

JUDICIAL/PUBLIC SAFETY FACILITIES FUND MANAGEMENT PLAN

I. Establishment

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

II. Purpose

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

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

III. Administration

A. Administration

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

1 B. Expenditures

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

6 C. Judicial/Public Safety Facilities Fund Priority List

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

12 D. Quarterly Reports

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

17 E. Annual Audit

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

20
21 **IV. Amendments**

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

25
26 ~~V. Sunset Clause~~

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

29
30 **V. Fund Management Plan duration**

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

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:

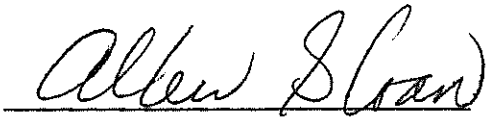
1. Window Rock, Navajo Nation, Arizona – Division of Public Safety, Window Rock Judicial District and NDPS Headquarters Facility
2. Shiprock, Navajo Nation, New Mexico – Judicial/Public Safety/Correctional Facilities
3. Kayenta, Navajo Nation, Arizona – Judicial Facility
4. Chinle, Navajo Nation, Arizona – 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

A handwritten signature in cursive script, reading "Allen Sloan", written over a horizontal line.

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

A handwritten signature in cursive script, reading "Jesse Delmar", written over a horizontal line.

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)

Philip B. Francisco, Chief of Police
Navajo Police Department

Date: 1/11/17

2)

Douglas Jde, (D)CI Director
Department of Criminal Investigations

Date: 1-11-17

3)

Delores Greyeyes, Department Manager III
Department of Corrections

Date: 4-17-17

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

THE NAVAJO NATION

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

MEMORANDUM



TO : Domenic Beyale, Director
Office of Management and Budget

FROM : *Delores Greeyes*
Delores Greeyes, PhD, Director
Department of Corrections

DATE : March 21, 2022

SUBJECT : Request to Transfer Funds from C01493

This memorandum is sent to request your approval for transfer of funds from C01493 to create new account for new Judicial Public Safety. This new account will be used to hire an on call Project Management team to assist the DPS on Judicial Public Safety projects. There is a balance of \$2,833,660.67 in C01493. The requested amount to be transferred and assigned a new account number is \$2,726,729. The creation of a new account number will require legislation and approval by the Law and Order Committee, 24th Navajo Nation Council.

The balance of \$2,726,729.24 will be used for professional project management services at the Tsé Bit' á'i Justice Center (Shiprock), the Tséhootsooi Justice Center (Ft. Defiance), the DPS Training Academy facility, Aneth and Tohajiilee DPS Substations. These are new projects that require planning funds for project management to coordinate professional team members who are designing projects and bring these projects to construction shovel ready. In addition to this, NDOC will need to use these funds for task orders which are part of planning i.e., legal surveys, archeological, environmental surveys, topo studies, traffic studies and etc.

The Navajo Department of Corrections requests that \$106,931.43 of the \$2,833,660.24 remain under account number C01493 to finish out the details of the Regional Division of Public Safety Training Academy. There is a consultant already under contract. Your assistance is appreciated. Thank you.

Attachment (2)

CONCURRENCE:

Jesse Delmar

Jesse Delmar, Executive Director
Division of Public Safety

cc: file

THE NAVAJO NATION
OFFICE OF MANAGEMENT AND BUDGET
BUDGET REVISION REQUEST

(For Use on NN Funds and External Grant Budgets)

PART I. PROGRAM INFORMATION:			
Sharon Yellowhair, Administrative Assistant		sharonyellowhair@navajo-nsn.gov	3/21/22
PREPARED/REQUESTED BY (PRINTED NAME & TITLE)		EMAIL ADDRESS	DATE
C01493	NDPS - DEPARTMENT OF CORRECTIONS	928-871-7555	
BUSINESS UNIT NO.	PROGRAM / DEPARTMENT TITLE	PHONE NO.	

PART II. FOR EXTERNAL GRANT OR CONTRACT USE ONLY:	
Chinle Multipurpose Justice Center	1/1/2022 - 12/31/2022
TITLE OF EXTERNAL CONTRACT / GRANT	FUNDING PERIOD - START/ END DATE

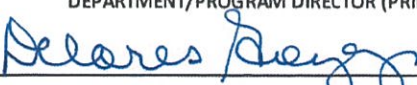
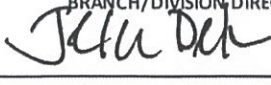
PART III. TRANSFER FROM OBJECT CODE:				PART IV. TRANSFER TO OBJECT CODE:			
FUNDS AVAILABLE (OMB USE ONLY)	LOD	FROM OBJECT CODE & DESCRIPTION OF CODE	AMOUNT	LOD	TO OBJECT CODE & DESCRIPTION OF CODE	AMOUNT	
	6	6810 - Architecture/Design (non cap)	285,010.84	7	6530 - Consulting Fees	2,523,114.65	
	6	6830 - Other Technical Services	95,418.17	7	6540 - Consulting Expenses	70,535.52	
	6	9050 - Building	2,213,221.16				
TOTAL			2,593,650.17	TOTAL			2,593,650.17

PART V. JUSTIFICATION FOR BUDGET REVISION (Must be detailed and complete): Explain why the revision is required and provide calculations to show budget is sufficient for the purpose of the budget revision or to the end of the funding period. Do not simply repeat the information provided in Part III and IV above.

 Process 164 to hire On Call Project Management team.

PART VI. IMPACT ON PROGRAM PERFORMANCE CRITERIA SET IN BUDGET FORM 2: Describe change in funding's (object code) affect on performance criteria, if any.

 No impact.

PART VII. APPROPRIATE SIGNATURES:	
Delores Greyeyes, MSW, PhD, Director of Corrections DEPARTMENT/PROGRAM DIRECTOR (PRINTED)  3-21-22 APPROVAL SIGNATURE / DATE	Jesse Delmar, Division Director BRANCH/DIVISION DIRECTOR (PRINTED)  032222 CONCURRENCE SIGNATURE / DATE

Do not attach original supporting documents such as PAFs, POs, Invoices, etc.

1. Project Management Plan: Prepare a preliminary Project Management Plan (PMP) that identifies organization charts, lines of communication, a project directory, and responsibilities of relevant individuals and organizations associated with the project. The PMP will include procedures for decisions, communications, creation and distribution of reports, billings, etc. The PMP will be updated and approved by the owner during the duration of each project assigned.
2. Land and Development Tasks: As needed for this task order, provide community outreach/engagement and land use planning services for the project location, and provide services to obtain land withdrawals, cultural assessments, utility services and stakeholder, chapter, and agency resolutions and approvals to construct.
3. Procurement of A&E, CMAR and Other Services: Prepare SOQ's for procurement of required consultants and contractors. Issue documents, manage and respond to questions, hold pre-proposal meetings, assist NDOC, NDOJ and user departments with evaluation and selection of consultants. These will be fast-tracked procurements to meet the proposed schedules and deadlines. Negotiate and develop contracts and assist NDOC with submission to 164.
4. Project Coordination: Provide coordination between members of the project team, internal staff, BIA, NN Departments, NTUA, NNTU, BIA/DSRMC and consultants. Communicate frequently with team members so that information and action items status are shared. Coordinate and monitor issue analysis and resolution within the team. Document and report progress to team members through weekly and monthly reports.
5. Monitor design schedule and consultant/contractor contracts: Along with A&E, consultants and CMAR, develop master design schedule for each project. Monitor and report on progress, problems and enact procedures to keep project on approved schedule. Monitor consultant contracts as needed and report to Owner. Review and provide recommendation for consultant pay applications and change orders.
6. Develop project budget: Review current Navajo Nation budget and prepare initial detailed project budget as needed. Budget will be updated monthly to incorporate funding needs and change order status.
7. Document and Invoice Reviews: The Project Management on Call will review and comment on documents and construction plans issued by project consultants, issue recommendations to Owner and consultants, and monitor responses and corrections that need to be made by consultants. The PM will review all invoices with the owner and recommendations for payment.
8. Project Meetings and Reporting: Attend project meetings on the Navajo Nation as needed in person, via conference calls or webinar to review project updates, discuss project issues, and recommendations with project team. Prepare and distribute meeting notes. Produce and distribute weekly and monthly updates to provide project documentation required by Navajo Nation and other funding sources.


Scope of Work (SOW): Project Management on Call

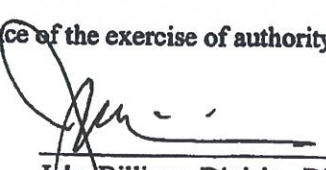
9. Other Tasks: Perform additional task orders as agreed upon by NNDOC and the Project Management on Call. Additional task orders beyond this may be defined by Owner and Project Manager as Additional Services and will be incorporated through a Contract Modification. Additional task order may include project estimating, comprehensive project scheduling, commissioning, or other requested services.

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

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



Memorandum:

To: Luralene D. Tapahe, Principal Advocate
The Navajo Nation – Legislative Branch
Office of Legislative Counsel
Robert Willie

From: Robert Willie, Accounting Manager
Office of the Controller

Date: March 14, 2022

Subject: C01493-Chinle Multipurpose Justice Ct.

The Office of the Controller has received the request from the Office of Legislative Services.

1. A memo verifying that the Chinle Justice Center Project has been closed out, and that the requested \$2,833,660.67 amount of funds are indeed in the JPS Fund account and are currently available for DOC's proposed use. It is OLS's understanding that the original purpose of the JPSF monies was for the Chinle Justice Center Project, and the funds that DOC is now requesting are leftover funds.
2. A statement from OOC indicating whether DOC's proposed use of the JPS funds is for "Recurring" or "nonrecurring" expenses; and whether the JPS Fund is considered "recurring" or "nonrecurring" revenue. Pursuant to 12 N.N.C. § 820(E).

After review of Business Unit account C01493 Chinle Multipurpose Justice Ct. it has a remaining budget of \$2,726,729.24 as of February 28, 2022. This account is a project account which should be closed out and capitalized as part of the cost of the building if it has been completed. The question of whether this has been closed out is "No" but it would appear that the project has been completed so it should be closed out. In a closeout the remaining budget should revert back to the JPS fund for other uses. The amount of \$106,931.43 is an encumbered portion of this business unit. Considering that the project should be completed the contract encumbered for this project should also be closed out and liquidated but you indicated that the Department of Corrections wishes to utilize this amount for another purpose (DPS

Training Academy) a new scope of work and business unit for that project should be established as currently this project business unit is set up in is the Chinle Multipurpose Justice Ct.

The amount of \$2,726,729 could possibly be a Budget Reallocation to another business unit but the question that you did pose does have two distinct project sites, Shiprock and Ft. Defiance.

As stated earlier project accounts should be budgeted for that particular project so there should be two project business units set up, Shiprock and Ft. Defiance to track the costs related to each project so when the projects are completed the total cost can be capitalized and recorded to the cost of that project.

For the recurring question there are no budget forms which are presented so there is no indication exactly what the costs will be utilize for.

If you should have any questions, you can contact me at tribal extension X6070.

OLC note:

$$\begin{array}{r} \$ 2,726,729.24 \\ + \$ 106,931.43 \\ \hline = \$ 2,833,660.67 \end{array}$$

Job C01493 CHINLE MULTIPURPOSE JUSTICE CT

Project

Cost Code	Cost Type	Description	L P M D E C U M	Original Budget Amt	Revised Budget Amt	Actual Amount	Open Commit Amount	Budget Balance	% Revised Spent	% Revised Remaining
6500	Contractual Services		4 T	2,916,715.00	2,916,715.00	2,296,275.49	106,931.43	513,508.08	.82	.18
9000	Capital Outlay		4 T	27,038,360.00	26,709,898.00	24,496,676.84		2,213,221.16	.92	.08
2000	Expenses		3 T	29,955,075.00	29,626,613.00	26,792,952.33	106,931.43	2,726,729.24	.91	.09
	CHINLE MULTIPURPOSE JUSTICE CT			29,955,075.00	29,626,613.00	26,792,952.33	106,931.43	2,726,729.24	.91	.09
	Total:		1 T	29,955,075.00	29,626,613.00	26,792,952.33	106,931.43	2,726,729.24	.91	.09

C01493

 \$2,726,729.24

LAW AND ORDER COMMITTEE
Regular Meeting
April 11, 2022

Legislation No. 0071-22: An Act Relating to the Law and Order Committee; Approving a Budget Transfer within the Judicial/Public Safety Facilities Fund of \$2,726,729.24 from the Chinle Judicial/Public Safety Center Project (Business Unit No. C01493) into a New Business Unit for the Division of Public Safety/Department of Corrections to use on Project Management Services for its Numerous Projects at Several Chapters – *Sponsor: Honorable Eugenia Charles-Newton*

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. Eugenia Charles-Newton

Nay:

Not Voting: Hon. Otto Tso, Hon. Edmund Yazzie

Excused: None

Absent: None



Otto Tso, Chair Pro Tem
Law and Order Committee
24th Navajo Nation Council



Laureen Spencer, Legislative Advisor
Office of Legislative Services