

**RESOLUTION OF THE  
LAW AND ORDER COMMITTEE  
23RD NAVAJO NATION COUNCIL - Fourth Year, 2018**

**AN ACTION**

**RELATING TO LAW AND ORDER COMMITTEE; APPROVING AND RECOMMENDING  
TO THE BUDGET AND FINANCE COMMITTEE THE PROPOSED FISCAL YEAR  
2019 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 2019 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).

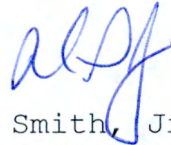
**SECTION THREE. APPROVING AND RECOMMENDING TO THE BUDGET AND  
FINANCE COMMITTEE THE PROPOSED FISCAL YEAR 2019 BUDGET FOR THE  
NAVAJO NATION OFFICE OF PUBLIC DEFENDER**

- A. The Law and Order Committee hereby acknowledges the proposed Navajo Nation Fiscal Year (FY) 2019 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 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 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 3 in favor and 0 oppose, this 20<sup>th</sup> day of July 2018.



Raymond Smith, Jr., Vice Chairperson  
Law and Order Committee  
of the 23<sup>rd</sup> Navajo Nation Council

Motion: Honorable Kee Allen Begay, Jr.  
Second: Honorable Otto Tso

FY 2019

**THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY**

Page 1 of 8  
**BUDGET FORM 1**

<b>PART I. Business Unit No.:</b> 104003		<b>Program Title:</b> OFFICE OF NAVAJO PUBLIC DEFENDER		<b>Division/Branch:</b> EXECUTIVE - OPVP	
<b>Prepared By:</b> Kathleen Bowman		<b>Phone No.:</b> (928) 871-8370		<b>Email Address:</b> bowmaykay65@yahoo.com	

PART II. FUNDING SOURCE(S)	Fiscal Year / Term	Amount	% of Total	PART III. BUDGET SUMMARY	Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference (Column B - A)
GENERAL FUNDS	10/01/18-09/30/19	1,273,024.00	100					
				2001 Personnel Expenses		1,117,148	1,088,068	(29,080)
				3000 Travel Expenses		52,413	65,740	13,327
				3500 Meeting Expenses		0	0	0
				4000 Supplies		39,941	54,258	14,317
				5000 Lease and Rental		14,976	13,093	(1,883)
				5500 Communications and Utilities		17,100	17,100	0
				6000 Repairs and Maintenance		9,670	9,724	54
				6500 Contractual Services		0	0	0
				7000 Special Transactions		21,776	25,041	3,265
				8000 Public Assistance		0	0	0
				9000 Capital Outlay		0	0	0
				9500 Matching Funds		0	0	0
				9500 Indirect Cost		0	0	0
				<b>TOTAL</b>		<b>\$1,273,024.00</b>	<b>1,273,024.00</b>	<b>0</b>

PART IV. POSITIONS AND VEHICLES	(D)	(E)
Total # of Positions Budgeted:	13	13
Total # of Permanently Assigned Vehicles:	1	1

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

SUBMITTED BY: Kathleen Bowman, Program Director <u>Kathleen Bowman</u> 6/27/18 SUBMITTED BY: Program Manager's Signature and Date	APPROVED BY: Arbin Mitchell, Executive Staff Assistant - OPVP <u>Arbin Mitchell</u> 6/27/18 APPROVED BY: Division Director/Branch Chief's Signature and Date
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THE NAVAJO NATION  
PROGRAM PERFORMANCE CRITERIA

FY 2019

PART I. PROGRAM INFORMATION:		Business Unit No.: <u>104003</u>										Program Name/Title: <u>OFFICE OF NAVAJO PUBLIC DEFENDER</u>									
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:																					
Per CAP-34-93: Program provides criminal defense services to indigent adult and juvenile individuals in Navajo Nation Courts. The Public Defender shall serve all clients independent of political consideration or private																					
PART III. PROGRAM PERFORMANCE CRITERIA:																					
1. Goal Statement:																					
Public Defendants represent defendants in criminal cases as appointed by court order.																					
Program Performance Measure:																					
Clients receive defense consistent with ethical, legal and Diné restorative justice principles.																					
2. Goal Statement:																					
Public Defendants represent alleged delinquent children as appointed by court order.																					
Program Performance Measure:																					
Advocate for more appointments & represent in accord with legal, ethical & Diné restorative justice principles.																					
3. Goal Statement:																					
Writs and Appeals filed to address significant rulings adverse to legal rights of accused.																					
Program Performance Measure:																					
Public Defendants advocate against widespread abuses of law and legal rights of Diné.																					
4. Goal Statement:																					
Advise & provide legal representation for those facing extradition; the mentally disabled and veterans.																					
Program Performance Measure:																					
Public Defendants represent clients in court & advocate for proper disposition of special need cases.																					
5. Goal Statement:																					
Ensure consistent and proper training for all staff; semi-annual case reviews for practitioners.																					
Program Performance Measure:																					
Maximize quality legal services/representation to Diné clients & enhance knowledge & skills for staff.																					
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.																					
Kathleen Bowman, Program Director																					
Program Manager's Printed Name																					
Kathleen Bowman																					
6/19/18																					
Program Manager's Signature and Date																					
Robert Joe, Chief of Operations-OPVP																					
Division Director/Branch Chief's Printed Name																					
Division Director/Branch Chief's Signature and Date																					

FY 2019

# The Navajo Nation Listing of Positions and Assignments by Business Unit

*Sherry Smith 04/15/18*

DPM VERIFICATION DATE

SUB ACCT	POS NO	JOB TYPE	POSITION TITLE	EMP ID	WKSITE CODE	FY 2018 ACTUAL G/S SALARY	FY 2019 PROPOSED HOURS BUDGET PERIOD	BUDGET
104003			OFFICE OF NAVAJO PUBLIC DEFENDER					
1101	282250	0305	PUBLIC DEFENDER DIR	10582	WIN AJ70L	108,409.60	2,080 10/01/2018 09/30/2019	108,410.00
1102	202257	2145	SR ATTORNEY	12602	WIN AJ70F	91,270.40	2,080 10/01/2018 09/30/2019	91,270.00
1104	296444	2161	SR TRIBAL COURT ADVOCATE	13487	SRN AI66J	63,232.00	2,080 10/01/2018 09/30/2019	63,232.00
1106	202254	1291	LEGAL SECRETARY	10388	WIN AI59B	27,788.80	2,080 10/01/2018 09/30/2019	27,789.00
1107	202255	1290	SR LEGAL SECRETARY	12860	WIN AI61L	43,867.20	2,080 10/01/2018 09/30/2019	43,867.00
1109	296445	2161	SR TRIBAL COURT ADVOCATE	14718	TCA AI66E	54,558.40	2,080 10/01/2018 09/30/2019	54,558.00
1111	202259	2146	ATTORNEY	10026	WIN AJ68G	79,102.40	2,080 10/01/2018 09/30/2019	79,102.00
1114	296448	1291	LEGAL SECRETARY	161999	SRN AI59B	27,788.80	2,080 10/01/2018 09/30/2019	27,789.00
1115	216915	2161	SR TRIBAL COURT ADVOCATE	133810	WIN AI66F	56,201.60	2,080 10/01/2018 09/30/2019	56,202.00
1117	296451	1291	LEGAL SECRETARY	15853	TCA AI59J	35,214.40	2,080 10/01/2018 09/30/2019	35,214.00
1118	242900	1291	LEGAL SECRETARY	173693	CPN AI59E	30,347.20	2,080 10/01/2018 09/30/2019	30,347.00
1121	243284	2142	ATTORNEY CANDIDATE	321938	TCA AJ68D	72,384.00	2,080 10/01/2018 09/30/2019	72,384.00
1122	243884	2146	ATTORNEY	VACANT	WIN AJ68A	66,227.20	2,080 10/01/2018 09/30/2019	66,227.00
SUBTOTAL:								756,391.00
BUSINESS UNIT TOTAL:								756,391.00

FY 2019

**THE NAVAJO NATION**  
**DETAILED BUDGET AND JUSTIFICATION**

Page 4 of 8  
**BUDGET FORM 4**

<b>PART I. PROGRAM INFORMATION:</b> Program Name/Title: _____ Business Unit No.: <u>104003</u>			
<b>PART II. DETAILED BUDGET:</b>			
(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)
2110	<b>2001 PERSONNEL EXPENSES</b> Employee salaries and fringe benefits for permanent full-time personnel  <b>REGULAR</b> 2120 - Thirteen (13) Regular Full-Time personnel per Budget Form 3	756,391	1,088,068
2900	<b>FRINGE BENEFITS</b> 2900 - Regular: \$756,391 x .4385% = \$331,677.45  <b>3000 TRAVEL EXPENSES</b> Monthly fleet rentals and mileage for assigned & rental vehicles. Meals, lodging, mileage and other travel expenses for staff on official business to attend court hearings, training, CLE seminars, conferences and meetings as needed/required.	331,677	65,740
3110	<b>FLEET</b> 3111 - Monthly Permanent (Group A, Class XIII Sedan) one (1) vehicle x \$432 x 12 months = \$5,184 + \$311.04 (6% NN tax) = \$5,495.04 3112 - Daily & Temporary Rental: \$32.00/day x 120 days (2 offices) = \$3,840 + \$230.40 (6% NN tax) = \$4,070.40 3113 - Mileage for one (1) vehicle (Group A, Class XIII Sedan): .21 x 3,000 miles x 12 months = \$7,560 + \$455.60 (6% NN tax) = \$8,013.60	17,579	
3230	<b>PERSONAL TRAVEL</b> 3240 - Per Diem Meals: \$64 x 13 staff 3250 - Per Diem Lodging: \$91/night x 13 staff 3280 - Per Diem POV Mileage: 3,200 miles x .545/mile as approved/needed 3290 - Other incident travel expenses as needed	48,161	
<b>TOTAL</b>		1,153,808	1,153,808

**THE NAVAJO NATION**  
**DETAILED BUDGET AND JUSTIFICATION**

<b>PART I. PROGRAM INFORMATION:</b> Program Name/Title: <u>OFFICE OF NAVAJO PUBLIC DEFENDER</u> Business Unit No.: <u>104003</u>			
<b>PART II. DETAILED BUDGET:</b>			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification	Total by DETAILED Object Code	Total by MAJOR Object Code
<b>4000 SUPPLIES</b> Expenses for office supplies - stationery, envelopes, binders, folders, labels, pens, pencils, flash drives, toner cartridges, paper and other office essentials. Computers, chairs, laptops, bookshelves, and other non-cap items needed; freight and postage; printing (legal forms, business cards, etc.), binding, photocopies, on-line legal research, legal subscriptions, custodial/cleaning supplies, PO box rentals and other supplies needed for the daily operation of the program's 4 law offices.			52,250
<b>4120 OFFICE SUPPLIES</b> 4130 - General Office Supplies for 4 offices		20,000	
<b>4200 NON-CAP ASSETS</b> 4210 - Non-Cap furniture and Equipment Replace old broken desks, chairs, shelves, filing cabinets, etc. 4230 - Non - Cap computer equipment Replace/update computers, laptops, UPS, cables, etc.		8,000	
<b>4410 OPERATING SUPPLIES</b> 4420 - General Operating Supplies (including annual P.O. box rental-4 ofcs) 4440 - Non-Cap computer software (anti-virus/security, computer software) 4450 - Postage, Shipping (annual postage for 4 ofcs) 4490 - Custodial Supplies (3 ofcs maintained by staff) 4530 - Printing, Copies for 4 offices (monthly copy usage, legal printing, etc.) 4540 - Books, Subscriptions (legal updates, publications, on-line legal research, etc.)		26,258	
	<b>TOTAL</b>	54,250	54,250

**THE NAVAJO NATION**  
**DETAILED BUDGET AND JUSTIFICATION**

<b>PART I. PROGRAM INFORMATION:</b> Program Name/Title: <u>OFFICE OF NAVAJO PUBLIC DEFENDER</u> Business Unit No.: <u>104003</u>			
<b>PART II. DETAILED BUDGET:</b>			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification	Total by DETAILED Object Code	Total by MAJOR Object Code
<b>5110</b>  <b>BUILDING</b>  <b>5120 - Office Space Lease with Shiprock Chapter: \$300 x 12 months = \$3,600.00 + \$216.00 (6% NN tax) = \$3,816.00</b>	<b>5000 LEASE and RENTAL</b> Office space lease for one (1) district office for 12 months; meeting room rental and media equipment for work sessions, training and staff meetings. Annual rental of BizHub copiers and postage meters for 4 law offices.	3,816	13,093
<b>5310</b>  <b>BUILDING / SPACE</b>  <b>5320 - Meeting Space (staff meetings, case reviews/staffing, work sessions, etc.)</b>		200	
<b>5360</b>  <b>EQUIPMENT and SUPPLIES</b>  <b>5370 - Equipment Rental: BizHub C35 copier - \$75/month x 3 offices x 12 months = \$2,700 + \$162.00 (6% NN tax) = \$2,862.00</b> <b>BizHub 364e copier: \$160 x 1 office x 12 months = \$1,920.00 + \$115.20 (6% NN tax) = \$2,035.20</b> <b>5370 - Equipment Rental: Postage meters &amp; Scales - \$45 x 3 offices x 12 months = \$1,620.00</b> <b>\$130 x 1 office x 12 months = \$1,560.00</b> <b>5380 - Supplies for rental equipment = \$1,000.00</b>		9,077	
<b>TOTAL</b>		13,093	13,093

**THE NAVAJO NATION  
DETAILED BUDGET AND JUSTIFICATION**

<b>PART I. PROGRAM INFORMATION:</b> Program Name/Title: _____ Office of Navajo Public Defender Business Unit No.: _____ 104003			
<b>PART II. DETAILED BUDGET:</b>			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification	Total by DETAILED Object Code	Total by MAJOR Object Code
5520	<b>5500 COMMUNICATIONS and UTILITIES</b> Expenses for basic telephone services, line, repair charges; installation of telephone hardware; installation and service for DSL line, internet services and connectivity.	7,600	17,100
<b>TELEPHONE</b>			
5530 - Basic Telephone services: 4 district offices x 12 months 5540 - Long Distance Service: 4 district offices x 12 months 5550 - Optional charges			
5570	<b>INTERNET</b> 5580 - DSL: 3 district offices x 12 months \$2,000 5600 - Internet services: 3 district offices x 12 months \$2,000	4,000	
5710	<b>ENERGY</b> 5720 - Electrical expenses for rental office x 12 months \$1,500 5730 - Natural Gas expenses for rental office x 12 months \$1,500	3,000	
5750	<b>SERVICES</b> 5760 - Water services for rental (1) Office x 12 months \$1,500 5770 - Sewage services for rental (1) Office x 12 months \$1,000	2,500	
<b>TOTAL</b>		17,100	17,100

PART I. PROGRAM INFORMATION:			
Program Name/Title:		Business Unit No.:	104003
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification	Total by DETAILED Object Code	Total by MAJOR Object Code
6000	REPAIRS and MAINTENANCE Annual repair and maintenance expenses for office and computer equipment, furniture, copy machines, printers, etc.		9,724
6110	SUPPLIES 6120 - Furniture and Equipment repair and maintenance supplies for 4 ofcs = \$1,000	1,000	
6130	SERVICES 6140 - Furniture/Equipment R & M services (BizHub C35 copier): \$100 x 3 ofcs x 12 months + \$216.00 (6% NN tax) = \$3,816 (BizHub 364e copier): \$150 x 1 ofc x 12 months + \$108.00 (6% NN tax) = \$1,908	5,724	
6300	TECHNOLOGY 6310 - Computer hardware repair and maintenance - \$1,500 6320 - Software support - \$1,500	3,000	25,041
7510	TRAINING and PROFESSIONAL DUES 7520 - Training and registration fees for various training for 13 staff = \$7,535 7550 - Mandatory Professional Dues: 8 practitioners - State & NN bar dues	10,735	
7710	INSURANCE PREMIUMS 7720 - Property coverage: \$93,569 + 1,000 x 1.10 = \$102,93 7740 - Vehicle/Auto Liability: 1 tribal vehicle = \$105.14 7750 - Vehicle/Auto Physical Damage (under 1 ton) 1 vehicles = \$117.63 7765 - Malpractice Insurance: \$3,125 per annum 7765 - General Liability Policy Payment: \$1,088,0705 + 100 = \$10,880.70 x .34 = \$3,699.44 7766 - Deductible (Vehicles under 1 ton): 1 vehicle = \$500 7767 - Workers' Comp Premium: \$756,392 + 100 = \$7,563.92 x .88 = \$6,656	14,306	
TOTAL		34,765	34,765

Fiscal Year 2019 Executive Branch Budget Review/ Hearing  
Additional Funds/ Unmet Needs Request Summary

Division/ Office:

Ranking	Description of Executive Branch Priority Areas – Four Pillars and Branch Priorities	Business Unit/ Program/ Project	Funding Amount Requested	Brief Justification
1.	Provide legal representation to children, adults, veterans, mentally ill and physically challenged indigent clients.	104003	\$ 47,634	Window Rock – salary & fringe benefits for 6 months for practitioner serving Window Rock, Chinle and Dzil Yijin communities.
2.	10% overhead	104003	4,763	Overhead expenses for bar dues, CLE training, furniture, computer equipment, travel, office supplies, etc.
3.	Provide legal representation for children, adults, veterans, mentally ill and physically challenged indigent clients.	104003	47,634	Shiprock-Shiprock & Aneth districts are served by one (1) Court advocate. This would increase practitioners to two. (Salary & fringe benefits 6 months)
4.	10% overhead	104003	4,763	Overhead expenses for bar dues, CLE training, furniture, computer equipment, travel, office supplies, etc.
5.			<b>\$104,794 TOTAL</b>	
6.				
7.	<b>4 PILLARS</b> <b>-Governance</b> -Public Defenders perform a necessary governmental function <b>-Human Services</b> -Serving adults & children <b>-Public Safety/Judicial</b> - services essential to criminal justice system			<b>NOTE:</b> During FY2017, the prosecutors increased from 7 to 17 practitioners and they are filing a backlog of cases. A significant increase in appointed cases has made it extremely difficult to keep up with workload and provide quality ethical legal presentation.
8.				

- The Office of Navajo Public Defender provides essential governmental services to the elderly, youth (children) and veterans.
- There are six (6) full-time defenders at present serving our Diné people charged with criminal violations in twelve (12) district and family courts and in the Navajo Nation Supreme Court.
- Legal 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 Court 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 FY 2018, 601 cases were closed in the first and second quarters. 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 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 has been vacant since February 2018); three (3) Senior Tribal Court Advocates.
- In FY 2018, an attorney public defender position for Shiprock District was eliminated by line-item veto.

**Division:**

[illegible]

**Branch:**

**Division:**

[illegible]

## Recommended Conditions of Appropriations and Legislative Concerns

**Branch:**

**Division:**

[illegible]

Branch: \_\_\_\_\_ Division: \_\_\_\_\_

[illegible]

**LAW AND ORDER COMMITTEE**

**Special Meeting**

**July 20, 2018**

**ROLL CALL**

**VOTE TALLY SHEET:**

**Legislation No. 0243-18:** An Act Relating to Law and Order Committee; Approving and Recommending to the Budget and Finance Committee the Proposed Fiscal Year 2019 Budget for the Navajo Nation Office of Public Defender – Sponsor: Honorable Herman M. Daniels

**Main Motion: Kee A. Begay, Jr.**

**Second: Otto Tso**

**Vote: 3-0-1**

**VOTE TALLY:**

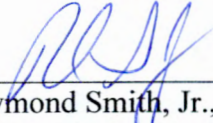
**YEAS:** Otto Tso/Kee A. Begay, Jr./Herman M. Daniels

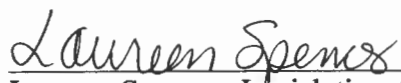
**NAYS:**

**NOT VOTING:** Raymond Smith, Jr.

**EXCUSE:** Edmund Yazzie

*Date July 20, 2018*

  
\_\_\_\_\_  
Raymond Smith, Jr., Vice Chairperson  
Law and Order Committee

  
\_\_\_\_\_  
Laureen Spencer, Legislative Advisor  
Law and Order Committee