

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 AND RECOMMENDING TO THE BUDGET AND FINANCE COMMITTEE THE FISCAL YEAR 2023 BUDGET FOR THE NAVAJO NATION JUDICIAL BRANCH AND RELATED MATTERS, TO BE INCLUDED IN THE NAVAJO NATION'S COMPREHENSIVE BUDGET FOR FISCAL YEAR 2023

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Law and Order Committee ("LOC") is a standing committee of the Navajo Nation Council with oversight authority over the Judicial Branch. 2 N.N.C. §600(A); 2 N.N.C. §601(C)(1).
- B. Each Oversight Committee, including the LOC, shall review and make recommendations regarding the programs under its oversight responsibility, regarding the Navajo Nation's Comprehensive Budget for the upcoming Fiscal Year. 12 N.N.C. §840(A).

SECTION TWO. FINDINGS

- A. In accordance with 12 N.N.C. §840(A), the LOC held hearings and took relevant testimony regarding the FY2023 Budget for the Judicial Branch.
- B. During these budget meetings, the LOC reviewed and considered the proposed FY2023 Budget for the Judicial Branch, as commented upon by members of the public.

SECTION THREE. APPROVING AND RECOMMENDING TO THE BUDGET AND FINANCE COMMITTEE THE FISCAL YEAR 2023 BUDGET FOR THE JUDICIAL BRANCH AND RELATED MATTERS

- A. The Law and Order Committee hereby approves the FY2023 Budget for the Judicial Branch, as detailed in the "Fund Type Budget Summary" attached hereto as **Exhibit A**.
- B. The LOC hereby approves certain revisions to the Branch Chiefs' proposed FY2023 Budget amount for the Judicial Branch, as shown in Columns D and E in the "General Fund Comparative Summary" attached hereto as **Exhibit B**.
- C. The LOC recommends the changes to the General Fund Budget described in **Exhibit C**.

- D. The LOC recommends certain Conditions of Appropriation and Legislative Concerns, as listed in **Exhibit D**.
- E. The LOC recommends that certain Unmet Needs for the Judicial Branch be included in the FY2023 Comprehensive Budget, as explained in **Exhibit E**.
- F. The LOC hereby recommends that the Budget and Finance Committee approve the Judicial Branch's proposed FY2023 Budget and all Committee recommendations, as set forth in **Exhibits A - E**.
- G. As necessary and appropriate, the LOC hereby authorizes the LOC Chair and Vice-Chair to negotiate the LOC's recommendations herein with the Budget and Finance Committee.

SECTION FOUR. RECOMMENDING TO THE BUDGET AND FINANCE COMMITTEE CARRYOVERS FOR THE NAVAJO NATION JUDICIAL BRANCH

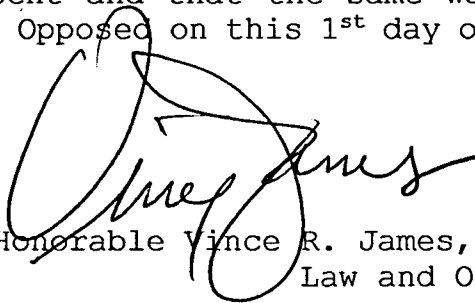
- A. The Law and Order Committee recommends the carryover of \$1,500,000.00 or unexpended balance for FY 2022 to be carried over to FY 2023, as recommend in the Three Branch Chiefs' Agreement signed on June 12, 2022. **EXHIBIT F**.

SECTION FIVE. SAVING CLAUSE

If any portion of this Action is determined invalid by the Navajo Nation Supreme Court, or by a District Court of the Navajo Nation without appeal to the Navajo Nation Supreme Court, the remainder of this Act 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 Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 02 in Favor, and 00 Opposed on this 1st day of August 2022.



Honorable Vince R. James, Pro Tem Chair
Law and Order Committee

Motioned: Honorable Eugene Tso
Seconded: Honorable Eugenia Charles-Newton

The Navajo Nation
Fund Type Budget Summary

Business Unit Number	Program Title	FY 2022 General Fund Budget	FY 2023							Total
			Proposed General Fund Budget	Indirect Cost Fund	Personnel Lapse Fund	Proprietary Fund	Fiduciary Fund	Special Revenue Fund - Internal	Special Revenue Fund - External	
102001	ADMIN. OFC. OF THE COURTS	1,516,355	1,640,066	127,836	45,834			12,771,273	14,585,009	
102002	CHINLE JUDICIAL DISTRICT	1,147,978	1,180,022		31,896				1,211,918	
102003	CROWNPOINT JUDICIAL DISTRICT	977,668	1,064,656		27,583				1,092,239	
102004	WINDOW ROCK JUDICIAL DISTRICT	1,200,962	1,310,592		33,900				1,344,492	
102005	SHIPROCK JUDICIAL DISTRICT	1,162,610	1,244,600		32,951				1,277,551	
102006	TUBA CITY JUDICIAL DISTRICT	1,095,344	1,144,094		30,655				1,174,749	
102007	RAMAH JUDICIAL DISTRICT	659,424	657,992		17,754				675,746	
102008	SUPREME COURT	1,380,972	1,518,668		38,238				1,556,906	
102009	PEACEMAKING PROGRAM	1,427,488	1,390,711		36,145				1,426,856	
102010	KAYENTA JUDICIAL DISTRICT	895,518	913,548		24,519				938,067	
102011	DILKON JUDICIAL DISTRICT	842,941	833,376		21,855				855,231	
102012	ANETH JUDICIAL DISTRICT	665,883	664,366		18,041				682,407	
102013	TOHAJILEE JUDICIAL DISTRICT	710,392	667,755		18,041				685,796	
102014	ALAMO JUDICIAL DISTRICT	208,912	281,830		4,551				286,381	
102015	DZIL YIJIIN JUDICIAL DISTRICT	469,479	498,221		12,624				510,845	
102017	PUEBLO PINTADO CIRCUIT COURT	205,128	197,702		5,679				203,381	
102018	PROBATION SERVICES	1,894,247	1,970,099		51,343				2,021,442	
102019	JUDICIAL CONDUCT COMMISSION	27,212	80,095		0				80,095	
Total:		16,488,513	17,258,393	127,836	451,609	0	0	12,771,273	30,609,111	

Fiscal Year 2023

**The Navajo Nation
General Fund Comparative Summary**

EXHIBIT B

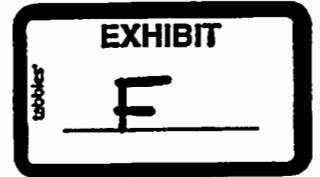
Branch: Judicial Branch of the Navajo Nation		Division/Office:		Judicial Branch	
(A) Business Unit Number	(B) Program Title	(C) Branch Chief's Proposed FY 2023 General Fund Budget	(D) Oversight Committee's Recommended FY 2023 General Fund Budget	(E) Plus or Minus \$ Difference (Column D - Column C)	
102001	ADMIN. OFC. OF THE COURTS	1,640,066	1,640,066	0	
102002	CHINLE JUDICIAL DISTRICT	1,180,022	1,180,022	0	
102003	CROWNPOINT JUDICIAL DISTRICT	1,064,656	1,064,656	0	
102004	WINDOW ROCK JUDICIAL DISTRICT	1,310,592	1,310,592	0	
102005	SHIPROCK JUDICIAL DISTRICT	1,244,600	1,244,600	0	
102006	TUBA CITY JUDICIAL DISTRICT	1,144,094	1,144,094	0	
102007	RAMAH JUDICIAL DISTRICT	657,992	657,992	0	
102008	SUPREME COURT	1,518,668	1,518,668	0	
102009	PEACEMAKING PROGRAM	1,390,711	1,390,711	0	
102010	KAYENTA JUDICIAL DISTRICT	913,548	913,548	0	
102011	DILKON JUDICIAL DISTRICT	833,376	833,376	0	
102012	ANETH JUDICIAL DISTRICT	664,366	664,366	0	
102013	TOHAJILEE JUDICIAL DISTRICT	667,755	667,755	0	
102014	ALAMO JUDICIAL DISTRICT	281,830	281,830	0	
102015	DZIL YIJIN JUDICIAL DISTRICT	498,221	498,221	0	
102017	PUEBLO PINTADO CIRCUIT COURT	197,702	197,702	0	
102018	PROBATION SERVICES	1,970,099	1,970,099	0	
102019	JUDICIAL CONDUCT COMMISSION	80,095	80,095	0	
TOTAL:		17,258,393	17,258,393	0	

Judicial Branch of the Navajo Nation



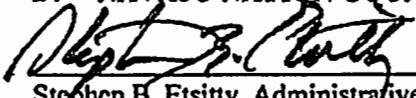
JOANN B. JAYNE
Chief Justice of the Navajo Nation

STEPHEN B. ETSITTY
Administrative Director of the Courts



Memorandum

TO: Eugenia Charles-Newton, Chairperson
Otto Tso, Vice Chairperson
Vince James, Member
Eugene Tso, Member
Edmund Yazzie, Member
LAW AND ORDER COMMITTEE
24TH NAVAJO NATION COUNCIL

FROM: 
Stephen B. Etsitty, Administrative Director
Administrative Office of the Courts

DATE: July 29, 2022

SUBJECT: Request for unexpended FY 2022 fund balances to be carried over to FY 2023

The Judicial Branch respectfully requests the Law and Order Committee's support for the Branch Chiefs' recommendation to authorize up to \$1,500,000 in Carry Over for the Judicial Branch in the FY 2023 Navajo Nation Comprehensive Budget. This recommendation is stated in the June 12, 2022 Branch Chiefs' Agreement. At this time, the Judicial Branch estimates a total of \$1,350,000 to remain unexpended across the 18 business units within the FY 2022 Judicial Branch General Funds budgets (102001 - 102019). If we are authorized to receive Carry Over funds in FY 2023, we will not know the exact amounts until late December 2022. The Judicial Branch proposes to allocate FY 2023 Carry Over funds to each of the 18 business units, and we will not be able to develop these individual budgets for each business unit until January 2023.

As of July 28, 2022, the Budget Status Report Summary is as follows:

OVERALL JUDICIAL TOTALS - BUSINESS UNIT 102001 THROUGH 102019@ LOD 6 AS OF 7/28/22

No.	Business Unit - Object	Description	Original Budget	Revised Budget	Actuals	Encumbrances	Budget Available	% Expended of Total
2001	Personnel Expenses		15,072,760.00	15,779,614.00	9,676,802.99	0.00	6,102,811.01	61.32%
1000-7000	Operating Expenses		2,440,317.00	2,134,699.02	672,553.46	136,754.81	1,325,390.75	37.91%
9000	Capital Outlay		120,000.00	157,200.00	0.00	11,600.00	145,400.00	7.51%
			16,633,077.00	18,071,513.02	10,349,356.45	148,554.81	7,573,601.76	58.09%

Proposed unexpended FY 2022 fund balances to be carried over to FY 2023 as follows:

JUDICIAL BRANCH FY 2022 BUDGETS vs EXPENDITURES O&M ONLY - as of 7/28/22 - Proposed FY 2022 O&M Carryover

No.	Business Unit/Object Code	Program/Description	Original Budget	Revised Budget	Actuals - YTD	Encumbrances	Budget Available	% Expended of Total
1	102001	Admin Office of the Courts						
	3000-7000	Operating Expenses	134,335.00	625,727.09	62,590.55	57,875.00	505,262.44	19.25%
2	102002	Chino Judicial District						
	3000-7000	Operating Expenses	86,856.00	122,159.00	68,819.30	9,482.31	44,077.39	63.92%
3	102003	Crownpoint Judicial District						
	3000-7000	Operating Expenses	61,113.00	74,515.00	37,058.00	1,893.12	34,664.08	53.48%
4	102004	Window Rock Judicial District						
	3000-7000	Operating Expenses	73,299.00	106,353.18	44,818.70	4,698.30	58,836.18	46.50%
5	102005	Shiprock Judicial District						
	3000-7000	Operating Expenses	68,110.00	95,232.70	28,254.44	6,192.66	62,785.60	34.07%
	9000	Capital Outlay	0.00	6,500.00	0.00	0.00	6,500.00	0.00%
	2000	Expenses	68,110.00	101,732.70	28,254.44	6,192.66	68,285.60	31.89%
6	102006	Tuba City Judicial District						
	3000-7000	Operating Expenses	75,687.00	139,247.00	78,894.03	22,656.65	37,780.32	72.68%
7	102007	Ramah Judicial District						
	3000-7000	Operating Expenses	63,332.00	48,205.00	31,173.14	1,149.29	15,862.57	67.05%
8	102008	Supreme Court						
	3000-7000	Operating Expenses	60,328.00	144,218.00	42,180.28	1,782.35	100,305.39	30.45%
9	102009	Peacemaking Program						
	3000-7000	Operating Expenses	102,641.00	102,641.00	54,023.78	2,757.72	45,859.50	55.32%
	9000	Capital Outlay	120,000.00	120,000.00	0.00	0.00	120,000.00	0.00%
	2000	Expenses	222,641.00	222,641.00	54,023.78	2,757.72	185,859.50	25.50%
10	102010	Keyenta Judicial District						
	3000-7000	Operating Expenses	76,508.00	118,508.00	43,603.79	2,816.71	70,687.50	39.84%
11	102011	Dillon Judicial District						
	3000-7000	Operating Expenses	112,097.00	112,105.05	14,077.60	0.00	98,027.15	12.56%
12	102012	Aneth Judicial District						
	3000-7000	Operating Expenses	66,424.00	88,824.00	32,128.18	6,813.09	47,884.75	44.85%
13	102013	Tohajiilee Judicial District						
	3000-7000	Operating Expenses	110,156.00	110,156.00	29,027.20	10,601.37	70,527.43	35.97%
14	102014	Alamo Judicial District						
	3000-7000	Operating Expenses	58,443.00	44,105.00	13,939.65	6,486.70	23,678.65	46.31%
15	102015	Dził Yilgín Judicial District						
	3000-7000	Operating Expenses	49,201.00	41,973.10	23,841.89	275.05	18,056.08	56.98%
16	102017	Pueblo Pintado Circuit Court						
	3000-7000	Operating Expenses	18,464.00	28,154.00	10,860.43	115.74	17,177.83	38.98%
17	102018	Probation Services						
	3000-7000	Operating Expenses	178,871.00	110,371.00	52,937.93	1,308.75	58,124.32	49.15%
	9000	Capital Outlay	0.00	30,700.00	0.00	11,800.00	18,900.00	38.44%
	2000	Expenses	178,871.00	141,071.00	52,937.93	13,108.75	75,024.32	46.82%
18	102019	Judicial Conduct Commission						
	3000-7000	Operating Expenses	18,454.00	26,204.00	5,847.31	0.00	20,356.69	22.31%
Judicial Branch General Fund Totals:			1,560,317.00	2,291,899.02	672,553.48	148,554.81	1,470,780.75	35.83%
Overall Breakdown of Proposed Operations & Maintenance (O&M) General Funds FY 2022 Carryover:								
2000	Personnel Expenses		0.00	0.00	0.00	0.00	0.00	#DIV/0!
3000-7000	Operating Expenses		1,440,317.00	2,134,899.02	672,553.48	138,754.81	1,325,390.75	37.91%
9000	Capital Outlay		120,000.00	157,200.00	0.00	11,800.00	145,400.00	7.51%
2000	Expenses		1,560,317.00	2,291,899.02	672,553.48	148,554.81	1,470,780.75	35.83%



NAVAJO NATION THREE BRANCH CHIEFS' AGREEMENT
Fiscal Year 2023 Comprehensive Budget
June 12, 2022

The Branch Chiefs of the Navajo Nation government considered the Fiscal Year 2023 General Fund Revenue Projection, Permanent Fund Income, and related budget matters and hereby provides the following recommendation to the Budget and Finance Committee of the Navajo Nation Council:

1. General Fund Allocations:

Fixed Costs	\$	23,311,908	11.72%
External Funds Cash Match	\$	5,000,000	2.51%
Chapter Officials Stipends	\$	4,158,000	2.08%
Executive Branch	\$	118,082,988	59.36%
Legislative Branch	\$	17,221,488	8.65%
Judicial Branch	\$	17,258,393	8.68%
Chapters-Non Administrative	\$	13,875,225	6.98%
TOTAL:	\$	198,918,000	100%

The fund sources for the \$198,918,000 are as follows:

A. General Fund Revenue Projection:	\$	158,918,000
B. Permanent Fund Interest:	\$	40,000,000

2. Personnel Lapse/Savings Fund:

The Branch Chiefs recommend the following:

- \$3,020,948 in actual FY 2022 GWA costs be allocated for the three Branches to absorb the GWA costs in the personnel FY 2023 budgets.
- \$5,000,000 be allocated to partially cover costs for the Retirement Plan, BU# 118018 for cost increases.
- A General Wage Adjustment in FY 2023 of up to 6% for increasing inflationary costs.

3. Permanent Fund Income Excess:

On the \$27,911,000 in Permanent Fund income above the \$40,000,000 designated for the General Fund budget, pursuant to Navajo Nation Council resolution CAP-30-21, the Permanent Fund Five Year Expenditure Plan for FY 2022-2026, the Branch Chiefs will make recommendations to the Budget and Finance Committee at the time of the FY 2023 budget hearings of the B&F Committee.


4. FY 2022/2023 General Fund Carryovers:

The Branch Chiefs recommend unexpended FY 2022 fund balances be carried over to FY 2023 as follows:

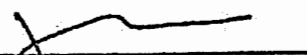
- Executive Branch \$ 3,000,000
- Legislative Branch \$ 1,500,000
- Judicial Branch \$ 1,500,000

5. Undesignated Unreserved Fund Balance (UUFB): \$20,000,000

The FY 2022 budget resolution CS-49-21, Section Two, L, sets aside \$20,000,000 from the UUFB for the FY 2023 budget due to impending projected revenue reductions. The revenue projections above do not show a revenue reduction; therefore, it is recommended the \$20,000,000 be set aside for the FY 2024 budget.


Jonathan Nez, President
EXECUTIVE BRANCH


Seth Danyon, Speaker
LEGISLATIVE BRANCH


JoAnn Jayne, Chief Justice
JUDICIAL BRANCH

LAW AND ORDER COMMITTEE

Special Meeting

August 01, 2022

Legislation 0130-22: An Action Relating to the Law and Order Committee; Approving and Recommending to the Budget and Finance Committee the Fiscal Year 2023 Budget for the Navajo Nation Judicial Branch and Related Matters, to be included in the Navajo Nation's Comprehensive Budget for Fiscal Year 2023 – *Sponsors: Honorable Otto Tso/Co-Sponsors: Honorable Eugenia Charles-Newton/Honorable Vince James*

VOTE TALLY SHEET:

Main Motion:

Motion: Honorable Eugene Tso

Second: Honorable Eugenia Charles-Newton

Vote: 2-0-3

Yea: Honorable Eugenia Charles-Newton/Honorable Eugene Tso

Nay:

Not Voting: Honorable Vince James

Excused: None

Absent: Honorable Otto Tso/Honorable Edmund Yazzie

Amendment No. 1:

Motion: Honorable Eugene Tso

Second: Honorable Eugenia Charles-Newton

Vote: 2-0-3

Yea: Honorable Eugenia Charles-Newton/Honorable Eugene Tso

Nay:

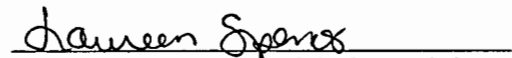
Not Voting: Honorable Vince James

Excused: None

Absent: Honorable Otto Tso/Honorable Edmund Yazzie



Vince R. James, Pro Tem Chair
Law and Order Committee
24th Navajo Nation Council



Laureen Spencer, Legislative Advisor
Office of Legislative Services