

RESOLUTION OF THE  
LAW AND ORDER COMMITTEE OF THE  
24<sup>TH</sup> NAVAJO NATION COUNCIL - First Year, 2021

AN ACTION

RELATING TO LAW AND ORDER COMMITTEE; APPROVING AN ALLOCATION OF TWO MILLION SEVEN HUNDRED THIRTY-FOUR THOUSAND FOUR HUNDRED SIX (\$2,734,406.00) FROM THE JUDICIAL/PUBLIC SAFETY FUND, TO THE WINDOW ROCK JUDICIAL DISTRICT, FOR THE PURCHASE OF THE MODULAR WINDOW ROCK JUDICIAL COMPLEX *NEW BUSINESS UNIT*

BE IT ENACTED:

**Section One. Authority**

- A. The Navajo Nation established the Law and Order Committee (LOC) as a Navajo Nation standing committee. 2 N.N.C. § 600 (A)
- B. The Judicial/Public Safety Facilities Fund Management Plan empowers the Law and Order Committee to establish a fund priority list to use of funds from the Judicial/Public Safety Facilities Fund. Resolution BFD-66-11.

**Section Two. Findings**

- A. The revenue from the Navajo Sales Tax is deposited into the Judicial/Public Safety Fund that is managed by a Fund Management Plan. BFD-66-11.
- B. The Judicial/Public Safety Facilities Fund Management Plan is attached as **Exhibit A**.
- C. The Judicial/Public Safety Fund is a special revenue fund to provide funding for judicial and public safety facilities as approved by the Law and Order Committee.
- D. Resolution LOCJN-04-17 approved the Judicial/Public Safety Facilities Fund Priority List for Fiscal Years 2017 and 2018; Window Rock, Navajo Nation - Judicial/Public Safety Facilities was placed as priority number one (1). Resolution LOCJN-04-17 is attached as **Exhibit B**.
- E. The Window Rock Judicial District is requesting \$2,734,406.00 for the purchase of the Judicial Modular Complex/Facility; to include design and engineering services along with the preparation and installation of the

modular complex. See Navajo Nation Supplemental Funding Proposal Summary as **Exhibit C**.

- F. Chief Justice JoAnn Jayne has accepted the Engineering Fee and Preliminary Construction Proposal from NEZ/FCI Native American LLC incorporated herein as **Exhibit D**.
- G. A Land Withdrawal has been completed within the Fort Defiance Chapter endorsed by Fort Defiance Grazing Officer, Herman Billie. Land assignment has undergone appropriate Biological and Cultural clearances. See General Land Development Department checklist packet and memo from Herman Billie as **Exhibit E**.
- H. Navajo Nation Fiscal Year 2021 Program Budget Summary forms are attached as **Exhibit F**.
- I. The Office of the Controller provided the balance in the Judicial/Public Safety Fund, and as of December 31, 2020, \$14,967,745 is available as indicated in **Exhibit G**.
- J. The Judicial Branch, Window Rock District, has supplied a Facility Needs & Timeline attached as **Exhibit H**.

### **Section Three. Approving the Allocation**

The Law and Order Committee hereby approves the allocation from the Judicial/Public Safety Fund in the amount of \$2,734,406.00 to the Window Rock Judicial District for the purchase of the modular complex, Business Unit #NEW, for the purchase and installation of the new Window Rock Judicial Modular Complex.

### **CERTIFICATION**

I, hereby, certify that the foregoing resolution was duly considered by the Law and Order Committee of the 24<sup>th</sup> 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 03 in Favor, and 00 Opposed, on this 15<sup>th</sup> day of March 2021.



Honorable Eugenia Charles-Newton, Chairwoman  
Law and Order Committee

Motioned: Honorable Vince James  
Second: Honorable Eugene Tso

RESOLUTION OF THE  
BUDGET AND FINANCE COMMITTEE  
OF THE NAVAJO NATION COUNCIL



22<sup>ND</sup> 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 20<sup>th</sup> day of December, 2011.

A handwritten signature in black ink, appearing to read "LoRenzo C. Bates".

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.  
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**LAW AND ORDER COMMITTEE  
22<sup>ND</sup> NAVAJO NATION COUNCIL**

**FIRST YEAR 2011**

**COMMITTEE REPORT**

Mr. Speaker,

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

**NAVAJO LEGISLATION NO. 0474-11**

**AN ACTION RELATING TO LAW AND ORDER AND BUDGET AND FINANCE;  
AMENDING THE JUDICIAL/PUBLIC SAFETY FACILITIES FUND  
MANAGEMENT PLAN (*Sponsored by Honorable Alton Joe Shepherd*)**

Has had it under consideration and report the same with a recommendation that it **DO PASS**, with no amendments;

And therefore referred to **Budget and Finance Committee**.

Respectfully submitted,



Edmund Pazzie, Chairperson  
Law and Order Committee of the  
22<sup>nd</sup> Navajo Nation Council

Date: December 12, 2011

The vote was 4 in favor and 0 opposed

Motion: Duane S. Tsinigine

Second: Elmer P. Begay

22<sup>nd</sup> NAVAJO NATION COUNCIL

First Year 2011

Mr. Speaker:

The **BUDGET & FINANCE COMMITTEE** to whom has been assigned

**NAVAJO LEGISLATIVE BILL #0474-11:**

An Action Relating to Law and Order and Budget and Finance; Amending the Judicial/Public Safety Fund Management Plan *Sponsored by the Honorable Alton Joe Shepherd, Council Delegate*

has had it under consideration and reports the same with the recommendation that It **Do Pass** without amendment.

Respectfully submitted,



LoRenzo Bates, Chairman

Adopted:   
Legislative Advisor

Not Adopted: \_\_\_\_\_  
Legislative Advisor

Date: 20 December 2011

The vote was 4 in favor 0 opposed

Excused:

Absent:





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 Tribal 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 live 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 approve the Judicial Public

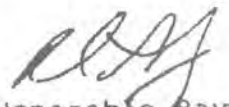
Safety Facilities Fund Priority List for Fiscal Years 2017 and 2018 as listed in EXHIBIT A. BFD-66-11 approving the JUDICIAL/PUBLIC SAFETY FACILITIES FUND MANAGEMENT PLAN, sect. III. C. (2011).

**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 23<sup>rd</sup> 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 2<sup>nd</sup> day of June, 2017

  
Honorable Raymond Smith Jr,  
Vice Chairperson  
Law and Order Committee

Motion: Honorable Edmund Yazzie

Second: Honorable Otto Tso

## 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:

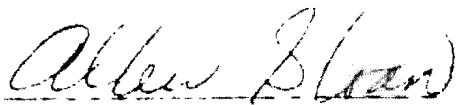
1. Window Rock, Navajo Nation, Arizona – Division of Public Safety, Window Rock Judicial District and NDPS Headquarters Facility
2. Shiprock, Navajo Nation, New Mexico – Judicial/Public Safety/Correctional Facilities
3. Kayenta, Navajo Nation, Arizona – Judicial Facility
4. Chinle, Navajo Nation, Arizona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



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



Jesse Delmar, Division Director  
Division of Public Safety

**THE NAVAJO NATION  
SUPPLEMENTAL FUNDING PROPOSAL SUMMARY**

<b>PART I. Business Unit No.:</b>	<b>NEW</b>	<b>Program Title:</b>	<b>Window Rock Judicial District</b>
<b>Division/Branch:</b>	<b>Judicial</b>	<b>Amount Requested:</b>	<b>\$2,734,406</b>
<b>Prepared By:</b>	<b>Verlena Hale</b>	<b>Phone No.:</b>	<b>928-871-6626</b>
		<b>Email Address:</b>	<b>verlenahale@navajo-nsn.gov</b>

**PART II. REASON FOR REQUEST AND STATEMENT OF NEED:**

The deteriorated condition of the Window Rock District Public Safety building forced Window Rock District Court to vacate the building in May 2017 and lease a facility to house Court and Probation Services personnel after several building closures due to sewage backup problems and natural gas leaks. The district court thereafter moved into a leased office space from the Navajo Nation Shopping Centers, Inc., in June 2017. On July 9, 2018, the district court vacated the leased office space due to mold problems and poor indoor air quality. After months of inspections and repairs undertaken by NNSCI, the district court could not re-occupy the leased office space. The Window Rock Judicial District is currently operating out of the Administrative Office of the Courts building and the Peacemaking Program office space. The Judges use the old Supreme Court's courtroom or Law and Order conference room for hearings. While this arrangement was initially expected to last only one month, the district court judges and staff continue to work in undersized and cramped quarters that are not designed to accommodate 24 personnel. Since the lease agreement was not renewed, the Court has continued to search the Window Rock and surrounding area for available office space to relocate the district court for a ten year period. The Window Rock Judicial District will eventually move back into a new judicial building after construction of the new Judicial/Public Safety complex in Fort Defiance, AZ. However, the planning and design of the new building complex began last year, and this project will take several years to complete. Therefore, the Window Rock Judicial District and Probation Services are in dire need of temporary office space. The Window Rock District Court has a high caseload and one of the largest staff among all Judicial Districts. In 2019 the NN Occupational Safety and Health Administration conducted inspections of the Window Rock District's work space and found it lacking for adequate and safe work space. In September 2019, NNOSHA observed a day of court hearings where concerns were raised due to overcapacity of the hearing room and the old Supreme Court building hallway. In a memo to the Judicial Branch the NNOSHA recommended addressing overcapacity issues for the Window Rock courts. Since March 2020, the Coronavirus Pandemic has only increased the need for adequate and safe work environments for all NN personnel. Currently, the requirements for physical distancing place additional restrictions on the ability of the Window Rock District to conduct its work inside already cramped work spaces. The need for a modular building was recognized by NN leadership and funds were appropriated from CARES Act Funds through Resolution CJY-67-20, only to revert the funds due to inability to meet the deadlines and regulations. In cooperation with Fort Defiance Chapter, a resolution approving a land re-assignment of 5.8 acres for a temporary court building was passed in June 2019. The land re-assignment was completed by the NN Land Department in November 2020, and 5.8 acres were transferred to the Window Rock Court. The temporary court building project was included in the proposed Judicial/Public Safety Facilities Priority Projects in 2019, in agreement with the Division of Public Safety. The Judicial/Public Safety Facilities Fund operates under an approved Fund Management Plan established in March 2007, through LOCIN-04-17. The use of the funds for a modular building will enhance the integrity of the Navajo Nation Judicial Branch/Probation services, promote a sense of security and confidence, provide a safe work environment, and restore the trust within our Navajo Nation Judicial process. The Navajo Nation is situated within 4 states; Utah, Arizona, New Mexico, and Colorado. The Window Rock Judicial District/Probation serves all states specified. The lack of office space and equipment/material hinders the provision of court services. Confidentiality of court documents is a major concern where minimal security raised the liability from theft. The Navajo people are the priority when it comes to services. The Window Rock Judicial District and Probation Parole Services are limited to providing effective and efficient services due to being displaced.

**PART III. SCOPE OF WORK/METHODOLOGY**

A Request for Qualification (RFQ) evaluation was initiated and a vendor was selected in October 2019. Currently we are developing a 414 Design/Build contract with assistance from Navajo Nation Division Community Development. The Design/Build contract can not be executed until funds are available. The Judicial Public Safety Facilities funds will be used to purchase a new modular building, land improvement (onsite prep), infrastructures, new furniture, and cost to cover construction for positive drain system, service connections to Electrical/Water/Wastewater lines, and capping natural gas lines from previous uses.

**PART IV. AFFIRMATION IS PROVIDED THAT THE PROPOSAL INFORMATION IS COMPLETE AND ACCURATE AND**

**THE APPROPRIATE BRANCH CHIEF RECOMMENDS APPROVAL**

REVIEWED BY: Division Director's Signature / Date

RECOMMEND APPROVAL: Branch Chief's Signature / Date



## JUDICIAL BRANCH OF THE NAVAJO NATION

JOANN B. JAYNE  
Chief Justice of the Navajo Nation

ELEANOR SHIRLEY  
Associate Justice, Navajo Supreme Court

TINA TSINGINE  
Associate Justice, Navajo Supreme Court



### OFFICE OF THE CHIEF JUSTICE

P.O. Box 520 || Window Rock, Navajo Nation, (AZ) 86515  
Telephone 928-871-7669 || Fax 928-871-6866

October 22, 2020

Marvin Nez  
NEZ/FCI Native American LLC  
10922 West Glenn Drive  
Glendale, Arizona 85307-1813

**SUBJECT:** Acceptance of Proposed Engineering fee and Preliminary Construction Budget

The Navajo Nation Judicial Branch is in receipt of the proposed cost estimate for the Window Rock Judicial District Project dated October 16, 2020. The Navajo Nation accepts the estimate and agrees to proceed with the project for the 8,064 square foot building.

A contract must be finalized in accordance to the Design Build requirements, please provide the contract for review.

If there are any questions, please maintain communication with Sharilene Jeff, Project Manager and the delegated Administrative Director of the Courts, Raquel Chee at (928) 517-7256 or by email at [rchee@navajo-nsn.gov](mailto:rchee@navajo-nsn.gov). Thank you.

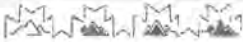
Sincerely,

Honorable JoAnn B. Jayne  
Chief Justice  
THE NAVAJO NATION





Trust • Hard Work • Honest • Professional



October 16th, 2020

Ms. Sharilene Jeff,

Based on our previous meetings and discussions, NEZ/FCI has prepared the following engineering fee and preliminary construction budget for an approximately 8,064 sf modular administration office building and the associated site work. Please see below for the break down and brief scope of work description:

**PART I: ENGINEERING----- \$118,750.00\***

1. Architectural building and site design.
2. Mechanical, Electrical and Plumbing design and engineering.
3. Structural design and engineering.
4. Fire alarm system design and engineering.
5. Fire sprinkler system design and engineering.
6. Topographic survey and base mapping.
7. Civil engineering construction plans and supporting documents.
8. Submittal to NTUA for review (review fee allowance of \$5,000 included).
9. Coordination, meetings, and site visits.
10. Preconstruction services including design assist, budget development, and GMP development.

*\*Engineering fee does not include Navajo Business tax. If required, tax will need to be added to this amount.*

**PART II: CONSTRUCTION COST (preliminary budget) ----- \$1,864,700.00\*\***

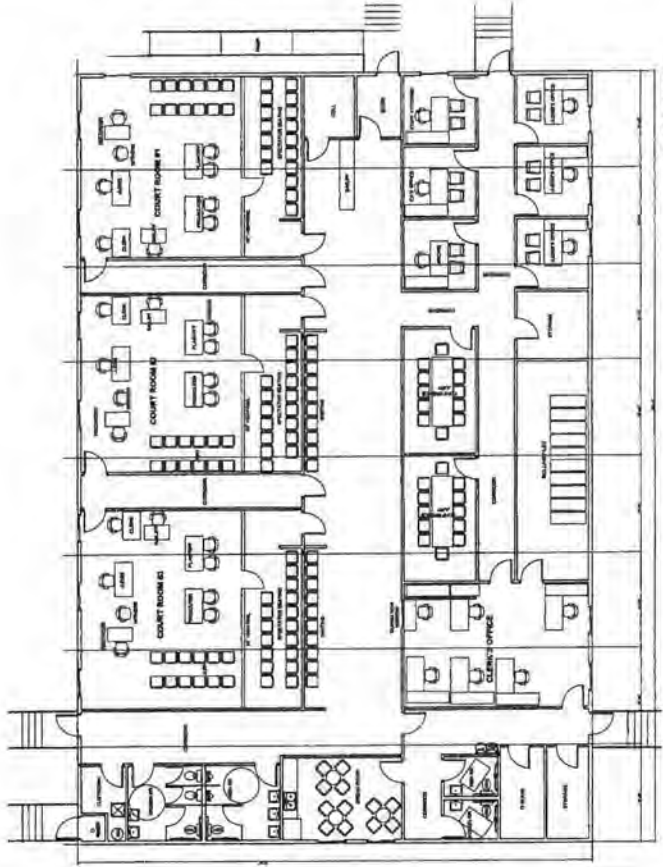
1. Modular building construction, delivery, and setup on site by end of January 2021.
2. Site work: including site clearing, grading, building pad and parking lot base preparation, retention basin excavation, ribbon footing excavation (includes pad prep for future expansion to 10,000 sf footprint).
3. Building footings: reinforcement concrete ribbon footing (approx. 10" thick x 30" wide).
4. Exterior improvements: concrete ADA parking (2 stalls) and signs, trash pad & bollards, sidewalks, gravel parking lot (4" thick), riprap at retention basin, traffic control signs, native seed at disturbed areas.
5. Utilities: water, sewer, gas, fire line and connections to building, enough capacity for 10,000 sf building.
6. Electrical service: electrical service to building, enough capacity for 10,000 sf building.

*\*\*Construction cost includes 6% Navajo Business Tax.*

If you have any questions or concerns, please contact me via phone or email listed below. Thank you for the opportunity to price this work, NEZ/FCI is looking forward to working together on this project.

Best Regards,

Larry Bangle  
Project Manager



FLOOR PLAN

CONSTRUCTION NOTES			
PREMIER CHASSIS	FLOOR	EXTERIOR WALL	INTERIOR WALL
1. ROOF	1. ROOF	1. ROOF	1. ROOF
2. FLOOR	2. FLOOR	2. FLOOR	2. FLOOR
3. WALL	3. WALL	3. WALL	3. WALL
4. CEILING	4. CEILING	4. CEILING	4. CEILING
5. DOOR	5. DOOR	5. DOOR	5. DOOR
6. WINDOW	6. WINDOW	6. WINDOW	6. WINDOW
7. STAIR	7. STAIR	7. STAIR	7. STAIR
8. ELEVATOR	8. ELEVATOR	8. ELEVATOR	8. ELEVATOR
9. RESTROOM	9. RESTROOM	9. RESTROOM	9. RESTROOM
10. KITCHEN	10. KITCHEN	10. KITCHEN	10. KITCHEN
11. BREAK ROOM	11. BREAK ROOM	11. BREAK ROOM	11. BREAK ROOM
12. STORAGE	12. STORAGE	12. STORAGE	12. STORAGE
13. JANITORY	13. JANITORY	13. JANITORY	13. JANITORY
14. MECHANICAL	14. MECHANICAL	14. MECHANICAL	14. MECHANICAL
15. ELECTRICAL	15. ELECTRICAL	15. ELECTRICAL	15. ELECTRICAL
16. PLUMBING	16. PLUMBING	16. PLUMBING	16. PLUMBING
17. HVAC	17. HVAC	17. HVAC	17. HVAC
18. FIRE PROTECTION	18. FIRE PROTECTION	18. FIRE PROTECTION	18. FIRE PROTECTION
19. SECURITY	19. SECURITY	19. SECURITY	19. SECURITY
20. ACCESSORIES	20. ACCESSORIES	20. ACCESSORIES	20. ACCESSORIES
21. FINISHES	21. FINISHES	21. FINISHES	21. FINISHES
22. UTILITIES	22. UTILITIES	22. UTILITIES	22. UTILITIES
23. LANDSCAPE	23. LANDSCAPE	23. LANDSCAPE	23. LANDSCAPE
24. SIGNAGE	24. SIGNAGE	24. SIGNAGE	24. SIGNAGE
25. FURNITURE	25. FURNITURE	25. FURNITURE	25. FURNITURE
26. EQUIPMENT	26. EQUIPMENT	26. EQUIPMENT	26. EQUIPMENT
27. SPECIALTIES	27. SPECIALTIES	27. SPECIALTIES	27. SPECIALTIES
28. OTHER	28. OTHER	28. OTHER	28. OTHER
29. TOTAL	29. TOTAL	29. TOTAL	29. TOTAL
30. NOTES	30. NOTES	30. NOTES	30. NOTES

1. ROOF
2. FLOOR
3. WALL
4. CEILING
5. DOOR
6. WINDOW
7. STAIR
8. ELEVATOR
9. RESTROOM
10. KITCHEN
11. BREAK ROOM
12. STORAGE
13. JANITORY
14. MECHANICAL
15. ELECTRICAL
16. PLUMBING
17. HVAC
18. FIRE PROTECTION
19. SECURITY
20. ACCESSORIES
21. FINISHES
22. UTILITIES
23. LANDSCAPE
24. SIGNAGE
25. FURNITURE
26. EQUIPMENT
27. SPECIALTIES
28. OTHER
29. TOTAL
30. NOTES

SP1.1

SITE PLAN  
SCALE 1/8" = 1'-0"

PROJECT: 11108600  
DATE: OCT. 06, 2006  
CONTACT: JOHN DOOLEY

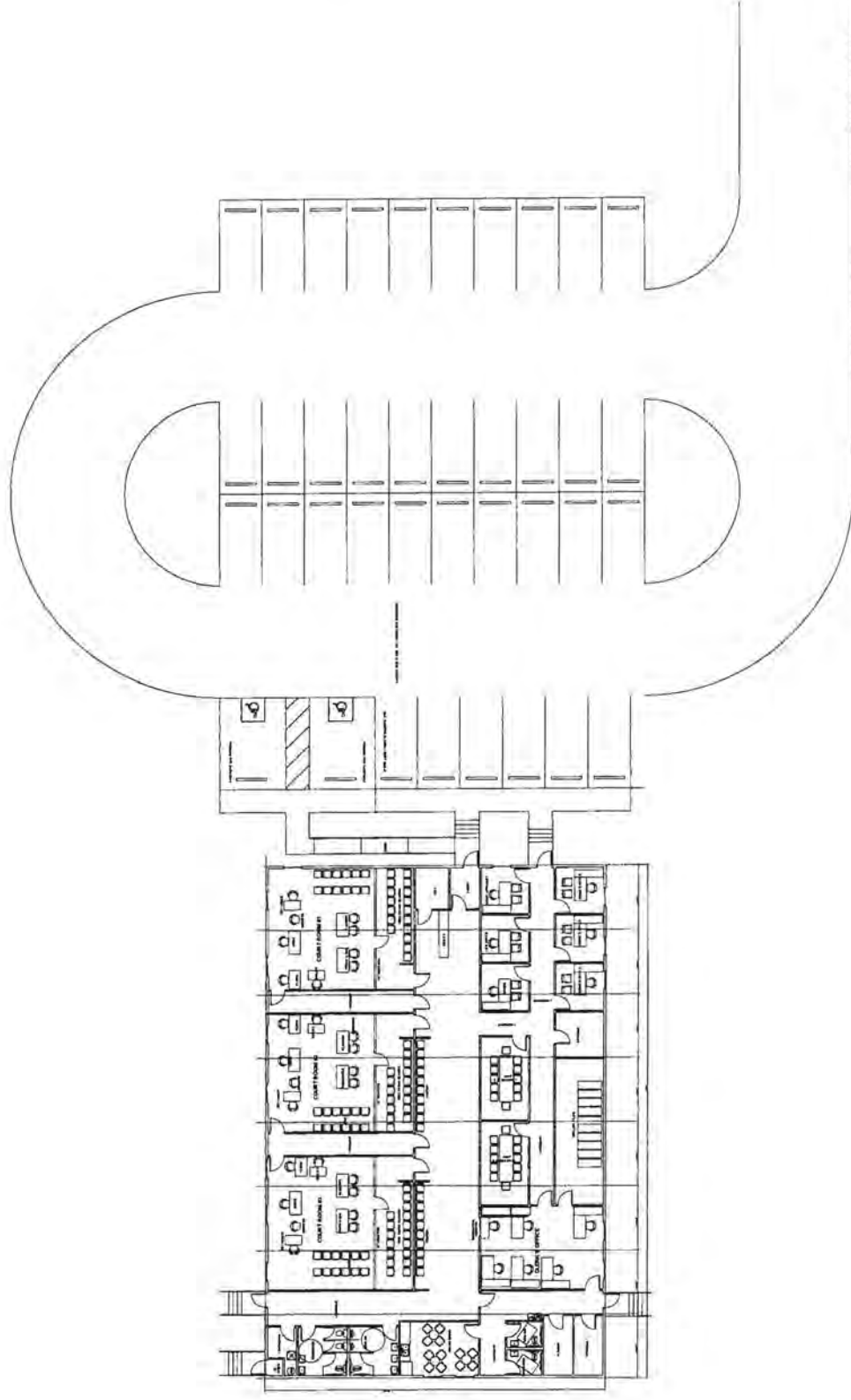


**The Complete Modular Building Company**  
**Modular Solutions, Ltd.**  
PHYSICAL  
5419 S. KYLE AVE.  
PHOENIX, AZ 85041  
PO BOX 12507  
MAIL  
PHOENIX, AZ 85060  
JAZ FIRM REG. NO. 15890-0  
(800) 592-8741

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PROJECT: ADDRESS: NAVAJO NATION JUDICIAL OFFICE  
FORT DEFIANCE, ARIZONA

REVISIONS  
DATE  
BY  
DESCRIPTION





# THE NAVAJO NATION

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JONATHAN NEZ | PRESIDENT   MYRON LIZER | VICE PRESIDENT



JoAnn B. Jayne, Chief Justice  
Judicial Branch of the Navajo Nation  
PO Box 500  
Window Rock, AZ 86515

October 9, 2020

Dear Chief Justice Jayne,

Your Land Withdrawal Designation proposal for 5.8 acres for the Navajo Nation Judicial Branch Building in, Township 28 North, Range 31 East in Section 18, Gila & Salt River Meridian, Ft. Defiance, Apache County, Arizona is approved.

You are authorized to construct, operate and maintain the aforementioned swath of land for no more than ten (10) calendar years from the date of this approval letter. If re-designation is sought after said period, please contact NLD and GLDD ninety (90) days prior to ensure efficient processing. In the event that the designation is not renewed, the area will revert to Navajo Nation Tribal Trust land.

Thank you for your application to the Navajo Land Department / General Land Development Department. If you have any questions or inquiries please contact the Navajo Land Department at (928)-871-6401

Sincerely,

A handwritten signature in black ink, appearing to read "W. Mike Halona", is written over a horizontal line.

W. Mike Halona, Department Manager III  
Navajo Land Department  
Division of Natural Resources



# General Land Development Department

## Land Withdrawal Designation Checklist for Community and Industrial Development

Applicant: Sharilene Jeff Judicial

Email (required): Stephenbetsitty@navajo-nsn.gov

Please submit the following:

- ☒ **Letter of Application or Cover Letter** including the intended use of the land and the exact acreage of the proposed undertaking.
- ☒ **Legal Survey or GPS coordinates** at each point indicating the location and total acreage to be withdrawn.
- ☒ **Supporting Chapter Resolution** with the inclusion of the resolution legal language as required in the Land Withdrawal Regulations (RDCJN—33-15).
- ☒ **Letter from Grazing Officer** stating there are no valid grazing permittees in the use area or gather grazing permittee consent.

By submitting the top four (4) requirements above will allow you to reserve the area for five (5) years until the environmental documentation is provided. ***You may NOT construct, operate and/or maintain during this time period.*** The Biological Resource Compliance Form and Cultural Resource Compliance Form must be submitted in order to complete the entire land withdrawal process for development.

- ☒ **Biological Resource Compliance Form (BRCF)** from Navajo Fish and Wildlife
- ☒ **Cultural Resource Compliance Form (CRCF)** from Navajo Heritage and Historic Preservation Department

**\*If a Non-Navajo government entity, a lease and/or permit is required in addition to the designation\***

**\*Incomplete packets will not be processed and will be returned to you\***



# Judicial Branch of the Navajo Nation



JOANN B. JAYNE  
*Chief Justice of the Navajo Nation*

STEPHEN B. ETSITTY  
*Administrative Director of the Courts*

September 24, 2020

W. Mike Halona, Department Manager  
Navajo Nation Land Department  
P.O. Box 2249  
Window Rock, AZ 86515

Mr. Halona:

Based on the Fort Defiance Chapter act of relinquishing to the Navajo Nation Judicial Branch 5.8 acres of land that it had withdrawn for its use, I am hereby requesting that the 5.8 acres from within Fort Defiance Chapter's Pickett Housing Area tract of land be withdrawn for the Navajo Nation Judicial Branch. For your reference see the enclosed letter from Mr. Daniel Yazza, Fort Defiance Chapter President, dated September 2, 2020.

I understand when our request for this land withdrawal is approved, that site control for the 5.8 acres will be transferred from the Fort Defiance Chapter to the Judicial Branch. The Judicial Branch will be using the 5.8 acres of land for the development and operations of the Window Rock District Court.

I thank you in advance for your consideration and for your immediate action on my request. If you have any questions, please contact Mr. Stephen B. Etsitty at x6762, or via email at [stephenbetsitty@navjao-nsn.gov](mailto:stephenbetsitty@navjao-nsn.gov).

Sincerely,

A handwritten signature in cursive script, reading "JoAnn Jayne".

JoAnn B. Jayne,  
Chief Justice

Enclosure

cc: Stephen B. Etsitty, NNJB-AOC  
Verlena Hale, NNJB-WRDC  
Daniel Yazza, Fort Defiance Chapter  
Ed Preston, Division of Community Development  
Chrono File



**THE NAVAJO NATION  
FORT DEFIANCE CHAPTER**

P.O. Box 366 · Fort Defiance, Arizona 86504  
Phone: (928) 729-4352 · Fax: (928) 729-4353  
Email: [fidefiance@navajochapters.org](mailto:fidefiance@navajochapters.org)

**Daniel Yazza, President**  
**Aaron Sam, Vice-President**  
**Brenda Wauneka, Secretary/Treasurer**  
**Herman Billie, Grazing Official**  
**Wilson Stewart, Jr., Council Delegate**

JONATHAN NEZ  
Navajo Nation President

MYRON LIZER  
Navajo Nation Vice-President

September 2, 2020

JoAnn B. Jayne, Chief Justice  
Navajo Nation Supreme Court  
Post Office Box 520  
Window Rock, Arizona 86515

Dear Honorable Chief Justice:

Fort Defiance Chapter has withdrawn a parcel of land known as the Pickett Housing Area for governmental use. This tract of land contains a total of 5.8 acres.

On June 9, 2019, the chapter approved Resolution FDC-2019-06-09-02 which supports the development of the Window Rock Judicial District Court building in Fort Defiance community. The community fully supports and approves the district court to place a modular building on the land for a period of ten years. We understand that the Window Rock Judicial District is also planning to construct a permanent court complex in the near future.

The Fort Defiance Chapter is pleased to assist the court in locating court operation here in the community and will continue to do so. We recognize the importance of the court's involvement in the Nation's government as essential. By this letter, we are assigning the 5.8 acres of land known as Pickett Housing area to the Navajo Nation Judicial Branch. Enclosed are copies of the above-referenced resolution and plat map.

If you have any questions related to this matter, please contact us at (928) 729-4352.

Sincerely,

Daniel Yazza, Chapter President

Lorraine Nelson, Chapter Manager

Cc: Chapter Officials  
Wilson Stewart, Council Delegate



THE NAVAJO NATION  
FORT DEFIANCE CHAPTER  
P.O. Box 366, Fort Defiance, Arizona 86504  
Phone: (928) 729-4352; Fax: (928) 729-4353  
Email: [ftdefiance@navajochapters.org](mailto:ftdefiance@navajochapters.org)

Larry Anderson, Sr., President  
Aaron Sam, *Vice-President*  
Brenda Wauneka, *Secretary/Treasurer*  
Herman Billie, *Grazing Official*  
Wilson C. Stewart, Jr., *Council Delegate*

JONATHAN NEZ  
Navajo Nation President

MYRON LIZER  
Navajo Nation Vice President

TO: Mike Halona, Director  
Navajo Land Department

FROM:  06/12/19  
Mr. Herman Billie, Grazing Officer  
Fort Defiance Chapter Grazing Office

DATE: June 12, 2019

SUBJECT: Land Assignment/Transfer from Fort Defiance Chapter to Window Rock  
Judicial District, Navajo Nation Judicial Branch

On June 9, 2019, the Fort Defiance Chapter passed the attached resolution (Resolution: FDC-2019-06-09-02) to assign 5.8 acres of land north of the Fort Defiance Chapter, known as the Pickett Housing area, for the Window Rock Judicial District, Navajo Nation Judicial Branch to site a modular building for the district court.

As the Grazing Official of the Fort Defiance Chapter, I am concurring on this land assignment/transfer identified for the Window Rock Judicial District/Navajo Nation Judicial Branch to establish a modular building to house the court personnel. This tract of land is clear of any home site and grazing use, and any other dispute or claim.

The land is withdrawn in the name of the Fort Defiance Chapter, and will be assigned/transferred to the Window Rock Judicial District/Navajo Nation Judicial Branch, as stated in Resolution #: FDC-2019-06-09-02.

Should you have any questions or need additional information, please contact me at 928-729-4352 or email address [ftdefiance@navajochapters.org](mailto:ftdefiance@navajochapters.org). Thank you.

cc: Lorraine Nelson, Ft. Defiance Chapter  
Verlena Hale, Window Rock Judicial District  
Stephen B. Etsitty, Navajo Nation Judicial Branch

Attachment (Resolution#: FDC=2019-06-09-02)



THE NAVAJO NATION  
FORT DEFIANCE CHAPTER  
P.O. Box 366, Fort Defiance, Arizona 86504  
Phone: (928) 729-4352; Fax: (928) 729-4353  
Email: [fdefiance@navajochapters.org](mailto:fdefiance@navajochapters.org)

Larry Anderson, Sr., President  
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Brenda Wauneka, Secretary/Treasurer  
Herman Billie, Grazing Official  
Wilson C. Stewart, Jr., Council Delegate

JONATHAN NEZ  
Navajo Nation President

MYRON LIZER  
Navajo Nation Vice President

## RESOLUTION OF FORT DEFIANCE CHAPTER

FDC-2019-06-09-02

**Supporting and Approving the Assignment of the former Pickett Housing Area of 5.8 acres to Navajo Nation Window Rock Judicial District for a Temporary Period of not more than Ten (10) Years**

### WHEREAS:

1. Fort Defiance Chapter is a certified chapter of the Navajo Nation, in accordance with Navajo Nation Code 2, Sections 4001 and 4006, with authority to address concerns of its people, and
2. Fort Defiance Chapter was duly governance-certified on January 15, 2016, which provides autonomy in chapter's structure and governance, and
3. Navajo Nation Window Rock Judicial District had to vacate its former site at the old public safety/judicial branch building in Window Rock due to unsafe, unsanitary and hazardous condition caused by the deterioration of the building and had to be demolished. and
4. Navajo Nation Judicial District has to continue to provide judicial and public safety services to our growing community and surrounding communities, and
5. The former Pickett Housing area of 5.8 acres was officially relinquished by Bureau of Indian Affairs and returned to Navajo Nation and Fort Defiance Chapter; said site was previously utilized by BIA for its employees' housing, and
6. Fort Defiance Chapter recognizes and supports the importance of services which the Judicial District provides to communities.

### NOW THEREFORE BE IT RESOLVED THAT:

1. Fort Defiance Chapter hereby supports and approves the use and assignment of the former Pickett Housing area of 5.8 acres to Navajo Nation Window Rock Judicial District for a temporary period of not more than ten (10) years.
2. Navajo Nation Window Rock Judicial District will collaborate with the chapter in assignment and development of the area in accordance with pertinent Fort Defiance Chapter Comprehensive Land Use Plan policies and Navajo Nation laws.

### CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Fort Defiance Chapter at a duly called meeting at which a quorum was present and same was approved by a vote of 25 in favor, 0 opposed, and 2 abstained, this 9th day of June 2019. MOTIONED: Timothy Bazay SECONDED: Wilson Stewart, Jr.

  
Aaron Sam, Chapter Vice President

**BIOLOGICAL RESOURCES COMPLIANCE FORM**  
**NAVAJO NATION DEPARTMENT OF FISH AND WILDLIFE**  
**P.O. BOX 1480, WINDOW ROCK, ARIZONA 86515-1480**

It is the Department's opinion the project described below, with applicable conditions, is in compliance with Tribal and Federal laws protecting biological resources including the Navajo Endangered Species and Environmental Policy Codes, U.S. Endangered Species, Migratory Bird Treaty, Eagle Protection and National Environmental Policy Acts. This form does not preclude or replace consultation with the U.S. Fish and Wildlife Service if a Federally-listed species is affected.

**PROJECT NAME & NO.:** Window Rock Judicial District - Temporary Court Site

**DESCRIPTION:** A land assignment consisting of 5.8 acres for a modular office building for court personnel to continue providing service to the community. The land assignment has a term of up to ten (10) years.

**LOCATION:** E½ of Section 18, T27N, R31E, G&SRM, Fort Defiance, Apache County, Arizona

**REPRESENTATIVE:** Verlana Hale, Court Administrator, Window Rock Judicial District

**ACTION AGENCY:** Bureau of Indian Affairs and Navajo Nation

**B.R. REPORT TITLE / DATE / PREPARER:** Request for biological compliance/08 JUL 2019/Verlana Hale

**SIGNIFICANT BIOLOGICAL RESOURCES FOUND:** Area 4 - Community Development Area

**POTENTIAL IMPACTS**

**NESL SPECIES POTENTIALLY IMPACTED:** NA

**FEDERALLY-LISTED SPECIES AFFECTED:** NA

**OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES:** NA


**AVOIDANCE / MITIGATION MEASURES:** NA

**CONDITIONS OF COMPLIANCE\*:** NA

**FORM PREPARED BY / DATE:** Pamela A. Kyselka/09 JUL 2019

**COPIES TO:** (add categories as necessary)

☐
☐


<b>2 NTC § 164 Recommendation:</b> <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditional Approval (with memo) <input type="checkbox"/> Disapproval (with memo) <input type="checkbox"/> Categorical Exclusion (with request letter) <input type="checkbox"/> None (with memo)	<b>Signature</b>  Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife	<b>Date</b> 7/10/19
--	--	------------------------

*I understand and accept the conditions of compliance, and acknowledge that lack of signature may be grounds for the Department not recommending the above described project for approval to the Tribal Decision-maker.	
<b>Representative's signature</b>	<b>Date</b>



**BIOLOGICAL RESOURCES COMPLIANCE FORM**  
**NAVAJO NATION DEPARTMENT OF FISH AND WILDLIFE**  
**P.O. BOX 1480, WINDOW ROCK, ARIZONA 86515-1480**

It is the Department's opinion the project described below, with applicable conditions, is in compliance with Tribal and Federal laws protecting biological resources including the Navajo Endangered Species and Environmental Policy Codes, U.S. Endangered Species, Migratory Bird Treaty, Eagle Protection and National Environmental Policy Acts. This form does not preclude or replace consultation with the U.S. Fish and Wildlife Service if a Federally-listed species is affected.

**PROJECT NAME & NO.:** Window Rock Judicial District - Temporary Court Site

**DESCRIPTION:** A land assignment consisting of 5.9 acres for a modular office building for court personnel to continue providing service to the community. The land assignment has a term of up to ten (10) years.

**LOCATION:** E½ of Section 18, T27N, R31E, G&SRM, Fort Defiance, Apache County, Arizona

**REPRESENTATIVE:** Verlena Hale, Court Administrator, Window Rock Judicial District

**ACTION AGENCY:** Bureau of Indian Affairs and Navajo Nation

**B.R. REPORT TITLE / DATE / PREPARER:** Request for biological compliance/08 JUL 2019/Verlena Hale

**SIGNIFICANT BIOLOGICAL RESOURCES FOUND:** Area 4 - Community Development Area

**POTENTIAL IMPACTS**

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

**AVOIDANCE / MITIGATION MEASURES:** NA

**CONDITIONS OF COMPLIANCE\*:** NA

**FORM PREPARED BY / DATE:** Pamela A. Kyselka/09 JUL 2019

**COPIES TO:** (add categories as necessary)

☐ \_\_\_\_\_ ☐ \_\_\_\_\_



**2 NTC § 164 Recommendation:**

**Signature**

**Date**

☒ Approval

☐ Conditional Approval (with memo)

☐ Disapproval (with memo)

☐ Categorical Exclusion (with request letter)

☐ None (with memo)

*Gloria M. Tom*

*7/10/19*

Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife

\*I understand and accept the conditions of compliance, and acknowledge that lack of signature may be grounds for the Department not recommending the above described project for approval to the Tribal Decision-maker.

**Representative's signature**

**Date**

# THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



## MEMORANDUM

**TO :** David Mikesic, Zoologist  
Department of Fish and Wildlife  
DIVISION OF NATURAL RESOURCES

**FROM :** *Gloria M. Tom*  
Gloria M. Tom, Department Manager III  
Department of Fish and Wildlife  
DIVISION OF NATURAL RESOURCES

**DATE :** July 8, 2019

**SUBJECT :** DELEGATION OF AUTHORITY

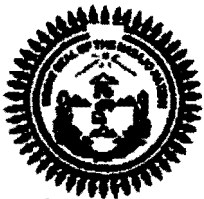


I will be on annual leave starting Wednesday, July 10, 2019 through Friday, July 12, 2019. Therefore, I am delegating you to act in the capacity of the Director, Department of Fish and Wildlife, effective Wednesday, July 10, 2019 at 8:00am and ending at 5:00pm on Friday, July 12, 2019.

Your authority will cover the review and signing off of all routine documents pertaining to the Department of Fish and Wildlife, except for issues that you feel should have the attention of the Director.

### ACKNOWLEDGEMENT:

*David Mikesic* 7/10/19  
David Mikesic, Zoologist  
Department of Fish and Wildlife  
DIVISION OF NATURAL RESOURCE



**THE NAVAJO NATION**  
Heritage & Historic Preservation Department  
P.O. Box 4950 • Window Rock, Arizona 86515  
(928) 871-7198 (tel) • (928) 871-7886 (fax)



**CULTURAL RESOURCE COMPLIANCE FORM**

**NNHHPD NO.: HPD-20-566**

**CONSULTANT REPORT NO.: DCD1 19-003**

**PROJECT TITLE:** A Cultural Resource Inventory of the Navajo Nation Window Rock Judicial District Building in the Former RBDO IHS Pickett Housing Tract, Ft. Defiance Chapter, Apache County, Arizona.

**LEAD AGENCY:** BIA/NRO

**SPONSOR:** Verlana Hale, Window Rock Courts, PO Box 5520, Window Rock, AZ, 86515

**PROJECT DESCRIPTION:** The Navajo Nation is proposing a lease and construction of a modular building, installation of utilities, a parking lot and access road at the former RBDO IHS Pickett Housing Tract in Fort Defiance, Arizona. The area of effect is 5.957-acres.

**PROJECT ARCHAEOLOGIST:** Denise R.E. Copeland

**NAVAJO ANTIQUITIES PERMIT NO.:** NTC125 **DATE INSPECTED:** 10/6/2019

**DATE OF REPORT:** 9/9/2020

**TOTAL ACREAGE INSPECTED:** 5.957

**METHOD OF INVESTIGATION:** Class III pedestrian inventory with transects spaced 10 m apart

**Number of Sites:** 0

**Number of Eligible Properties:** 0

**Number of Non-Eligible Properties:** 0

**Number of Unevaluated Properties:** 0

**Number of Burials:** 0

**Number of TCPs:** 0

**Number of Isolated Occurrences:** 0

**Number of In-Use Sites:** 0

**EFFECT/CONDITIONS OF COMPLIANCE:** No Properties

**PROCEED RECOMMENDED:** Yes

**CONDITIONS:** No

In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at (928) 871-7198.

Form Prepared by: Tamara Billie

**FINALIZED:** 9/22/2020

NAVAJO NATION HERITAGE AND HISTORIC PRESERVATION DEPARTMENT

  
Richard M. Begay, Department Manager IAHPO

  
Date

NAVAJO REGION APPROVAL:

**BARTHOLOMEW STEVENS**

Digitally signed by BARTHOLOMEW STEVENS  
Date: 2020.09.24 09:52:26 -06'00'

Bartholomew Stevens, Navajo Regional Director

Date

BIA- Navajo Regional Office

~ DOCUMENT IS VOID IF ALTERED ~

HPD Number.: HPD-20-566

**LOCATION INFORMATION**

LAND STATUS: NN Tribal Trust Land

STATE: AZ

DATUM: NAD83

ZONE: 12

<u>COUNTY</u>	<u>QUAD</u>	<u>UTM N</u>	<u>UTM E</u>
Apache	Window Rock, AZ	3957252	674386
		3957277	674296
		3957094	674248
		3957043	674338
		3957073	674364
		3957068	674369
		3957175	674395
		3957174	674387

<u>CHAPTER</u>	<u>Township</u>	<u>Range</u>	<u>Sections</u>
Fort Defiance	T27N	R31E	18

~ DOCUMENT IS VOID IF ALTERED ~

# COPY

## ARCHAEOLOGICAL INVENTORY REPORT DOCUMENTATION PAGE (HPD 2010)

HPD-20-566

<b>1. HPD REPORT NO.:</b>		<b>3. FIELDWORK DATE(S):</b> October 6, 2019	
<b>2. TITLE OF REPORT:</b> A Cultural Resource Inventory of the Navajo Nation Window Rock Judicial District Building in the Former RBDO IHS Pickett Housing Tract, Ft. Defiance Chapter, Apache County, Arizona		<b>4. REPORT DATE(S):</b> November 13, 2019	
<b>AUTHOR(S):</b> Denise R.E. Copeland		<b>6. PERMIT NO.:</b> NTC 125	
<b>5. CONSULTANT NAME AND ADDRESS:</b> Gen. Charge: Denise R.E. Copeland, Principal Archaeologist Org. Name: Capital Projects Management Department Org. Address: P.O. Box 335 Fruitland, New Mexico 87416 Phone: 505 368-1059		<b>7. CONSULTANT REPORT NO.:</b> DCD1 19-003	
<b>8. SPONSOR NAME AND ADDRESS:</b> Ind. Responsible: Verlena Hale, Court Administrator Org. Name: Window Rock Courts Org. Address: P.O. Box 5520 Window Rock, Arizona 86515 Phone: 928 871-6626 Email: verlenahale@navajo-nsn.gov		<b>9. SPONSOR PROJECT NO.:</b>	
		<b>10. AREA OF EFFECT:</b> 5.957 ac	
		<b>AREA SURVEYED:</b> 5.957 ac	
<b>11. LOCATION (MAP ATTACHED):</b>			
a. Chapter: <u>Ft. Defiance</u>	f. UTM Center: <u>NAD 83, Zone 12, See Page 2 for Table</u>		
b. Agency: <u>Ft. Defiance</u>	g. Legal: <u>T 27 N R 31 E ¼ of Sec 18 GSRM</u>		
c. County: <u>Apache</u>	h. 7.5' USGS Map(s): _____		
d. State: <u>Arizona</u>			
e. Land Status: <u>Tribal Trust</u>	i. Lead Agency: <u>BIA/Navajo Region</u>		
<b>12. REPORT ATTACHMENTS:</b>			
a. <b>Description of Undertaking:</b> The undertaking consists of 5.957 acres for the Navajo Nation Window Rock Judicial District Building in the Former RBDO IHS Pickett Housing Tract. The Navajo Nation Window Rock Judicial District proposes to develop the tract for the construction of the Window Rock Judicial District building. Ground disturbing activities will be extensive which include placement of a modular building, the installation of utilities and the construction of a parking lot and an access road. Funding is from the CARES Act.			
b. <b>Existing Data Review:</b> As part of this project, the archival data of NNHPD in Window Rock were consulted. Projects NPS 70-007, 76-014, NTM 79-062, BLL-1, BLL-2, 84-507, 85-484, NTM 89-228, and NA-13-613 and were recorded on the NNHPD maps within 1 km of the current project. The TCP maps were reviewed on September 1, 2020 and 4 TCP's were identified.			
c. <b>Area Environmental and Cultural Setting:</b> The project area is found on a level area located approximately 200 ft northeast of the Fort Defiance Chapter House and 200 ft west of the Good Shepherd Mission. Bonito Creek is located 1,000 ft to the southeast of the project area which flows to the southeast into Black Creek. The vegetation includes Chinese elm trees, prickly pear cactus, wild mustard and various grasses. The project area was part of the former PHS Camp Pickett Housing area			
d. <b>Field Methods:</b> Ms. Verlena Hale, Court Administrator, provided a legal survey of the project area, the project area plotted on Google map. The project area had an old legal survey for the RBDO IHS Pickett Housing tract at the time of the inventory. The project area is bounded by roads and fences. The investigation was conducted by (100%) a Class III level pedestrian inventory of east-west transects spaced 15 m apart on October 22, 2019 and a total of 5.957 ac was inventoried. The author interviewed Ms. Lorraine Nelson, Ft. Defiance CSC on October 22, 2019 regarding TCP's. No TCP's were identified in or near the project area.			
<b>13. CULTURAL RESOURCE FINDINGS:</b>			
a. <b>Location/Identification of Each Resource:</b> The project area is part of housing known as PHS Camp Pickett, once contained a total of 50 residential housing units that were briefly occupied by Navajo Area Indian Health Service (IHS) staff and their families. Based on a review of available records as part of the (see Page 2 for additional information)			
b. <b>Evaluation of Significance of Each Resource:</b> No historic properties will be affected by the project.			
<b>14. MANGEMENT SUMMARY (RECOMMENDATIONS):</b> A notice to proceed for the undertaking is recommended.			
<b>15. CERTIFICATION:</b>			
SIGNATURE: <u>Denise R.E. Copeland</u>		September 9, 2020	
General Charge Name: Denise R.E. Copeland		Date	

**11. LOCATION (MAP ATTACHED):**

**f. UTM: Zone 12 NAD 83**

NE Corner/BOP	N 39 57 252.5	E 6 74 386.2
NW Corner	N 39 57 277.9	E 6 74 296.5
SW Corner	N 39 57 094.4	E 6 74 248.9
SE Corner	N 39 57 043.1	E 6 74 338.2
Angle	N 39 57 073.0	E 6 74 364.0
Angle	N 39 57 068.1	E 6 74 369.9
Angle	N 39 57 175.7	E 6 74 395.0
Angle	N 39 57 174.8	E 6 74 387.5

**13. CULTURAL RESOURCE FINDINGS: (Continued)**

- a. Location/Identification of Each Resource:** performance of a Phase I Environmental Site Assessment (ESA) conducted by liná bá (April 2016). The subject property was occupied for a period not exceeding 13 years between approximately 1963 to before 1976. It is understood that utilities consisting of electricity, water, and sewer previously existed on the property prior to IHS occupation. Upon departure, IHS removed all surface features resulting from their occupation, leaving the utilities in place (liná bá Letter 2016). In 2016-2017, the asbestos- containing (transite) water pipes were removed from the site. The USGS Window Rock, Arizona-New Mexico Quad a total of 28 structures on the map but no structural remains of the buildings remain on the proposed area. The site area was checked on the Google Earth Pro time lapse feature. The earliest satellite image available is 1997 no structures in the proposed project are shown in the image. Paved roads and powerlines remind in the project area. The entire surface of the project tract has been heavily disturbed.

Three TCP's are located near the project and include 129, 396, and 4856. The TCP's are not located within project and should not be affected by the proposed project.

- b. Evaluation of Significance of Each Resource:** The PHS Camp Pickett lacks structural integrity and is not eligible for inclusion into the National Register of Historic Places. The PHS Camp Pickett is less than 100 years and are not of archaeological interest and do not warrant protection under ARPA. The PHS Camp Pickett does not have any known sacred religious significance to warrant protection under the ARFA. No historic properties will be affected by the project.



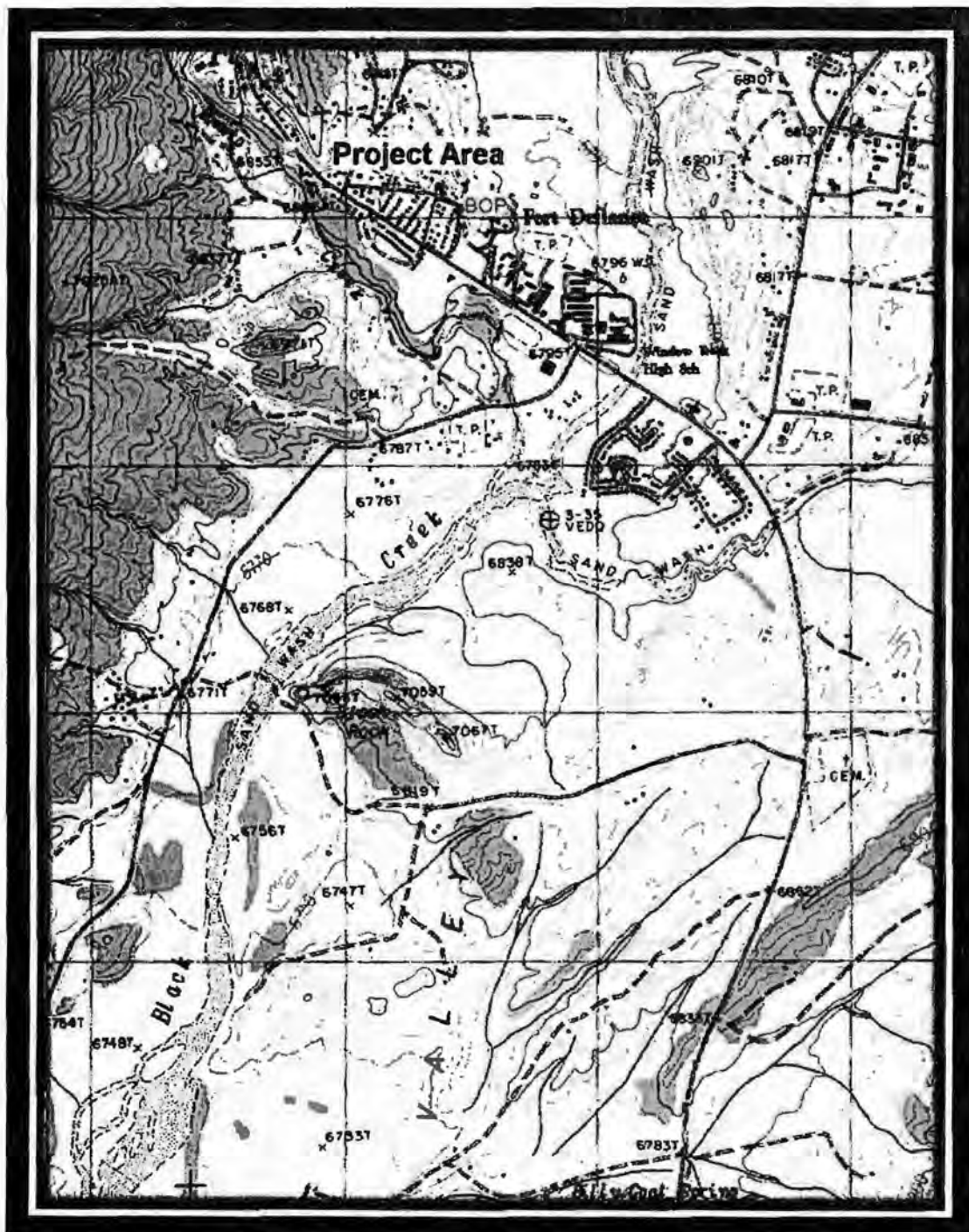


Figure 1: Locational Map showing the proposed project area. USGS Quad Map Window Rock, AZ-NM PE 1982



Figure 2: Google Earth Pro Time Lapse Satellite Image from October 1997. DCD1 19-002

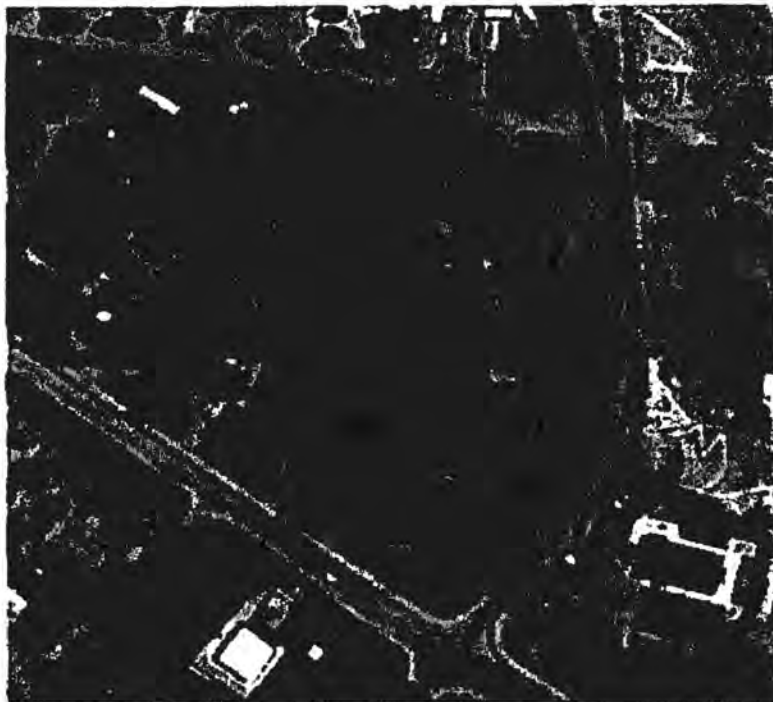


Figure 3: Google Earth Pro Time Lapse Satellite Image from June 2007. DCD1 19-002

# LEGAL DESCRIPTION:

A PARCEL OF LAND SITUATED IN THE EAST HALF (1/2) OF SECTION 18, TOWNSHIP 27 NORTH, RANGE 31 EAST, GILA & SALT RIVER WATERSHED, IN THE VICINITY OF FT. DUNSMITH, APACHE COUNTY, STATE OF ARIZONA, ON THE NAVAJO INDIAN RESERVATION AND IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 18, CORNER BEING MONUMENTED WITH A UNITED STATES BUREAU OF LAND MANAGEMENT CADASTRAL SURVEY BRASS CAP, THENCE S 42°00'00" W, A DISTANCE OF 3,300.00 FEET TO A BRASS CAP MONUMENT (BRASS CAP) ON THE WESTERLY RIGHT OF WAY (ROW) OF NAVAJO ROUTE 112 AND THE TRUE POINT OF BEGINNING FOR THIS PARCEL;  
 THENCE S 04°13'00" W, ALONG S&D (ROW), A DISTANCE OF 200.00 FEET TO A (BRASS CAP), THENCE S 84°25'27" E, A DISTANCE OF 25.00 FEET, TO A (BRASS CAP), ALONG S&D (ROW), TO A POINT ON A CURVE, S&D CURVE HAVING A CENTRAL ANGLE OF 40°49'04", A RADIUS OF 200.00 FEET, A CHORD BEARING OF S 14°14'08" W AND A CHORD DISTANCE OF 200.00 FEET, THENCE ALONG S&D (ROW) AND CURVE TO THE RIGHT A DISTANCE OF 271.07 FEET TO A (BRASS CAP),  
 THENCE N 40°49'04" W, ALONG S&D (ROW), A DISTANCE OF 24.00 FEET TO A (BRASS CAP), THENCE S 41°00'00" W, ALONG S&D (ROW), A DISTANCE OF 150.00 FEET TO A (BRASS CAP), THENCE N 50°31'11" W, ALONG S&D (ROW), A DISTANCE OF 130.00 FEET TO A (BRASS CAP), THENCE S 34°29'07" W, ALONG S&D (ROW), A DISTANCE OF 10.00 FEET TO A (BRASS CAP), THENCE N 50°31'11" W, ALONG S&D (ROW), A DISTANCE OF 200.00 FEET TO A 5/8" REBAR TAGGED LS 11708,  
 THENCE N 17°08'17" E, A DISTANCE OF 622.35 FEET TO 5/8" REBAR, NO TAG, THENCE S 74°10'37" E, A DISTANCE OF 127.03 FEET TO A 5/8" REBAR TAGGED LS 11708, THENCE S 72°08'40" E, A DISTANCE OF 177.57 FEET BACK TO THE TRUE POINT OF BEGINNING FOR THIS PARCEL. S&D PARCEL CONTAINS 0.81 ACRES MORE OR LESS AND IS SUBJECT TO ANY AND ALL EXISTING EASEMENTS, FOR UNDERGROUND UTILITIES LOCATED WITHIN.

SURVEYED BY Edw. W. MONROE 10, 2010.

## GENERAL NOTES

1. THIS SURVEY WAS PERFORMED BASED UPON THE INFORMATION AND REQUIREMENTS AS PROVIDED BY CLIENT.
2. BASES OF MEASUREMENT IS GEODETIC BASED ON GPS OBSERVATION.
3. THE COORDINATES SHOWN HEREIN ARE USED FOR NAVIGATIONAL PURPOSES ONLY.
4. AREA: SUBJECT PROPERTY CONTAINS 5.91 ± ACRES(±).

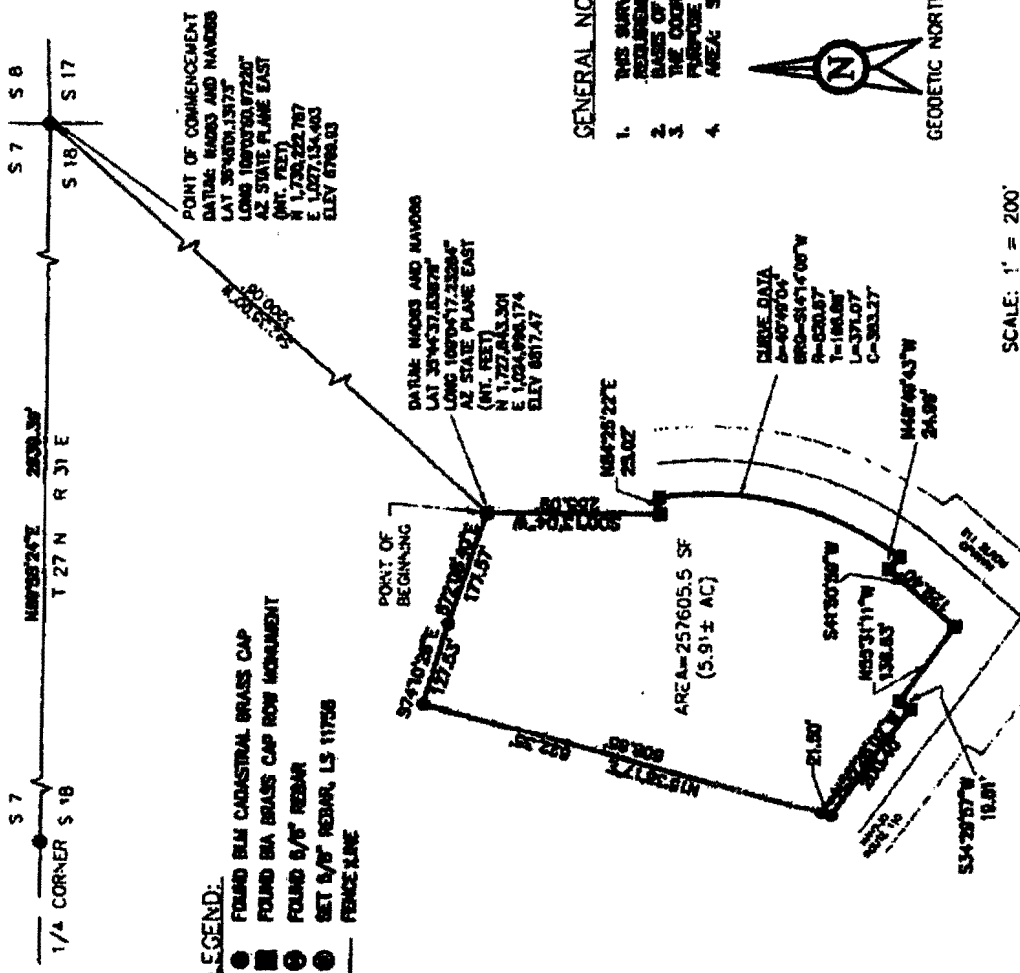
## SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECTION AND SUPERVISION DURING THE MONTH OF NOVEMBER 2010.



RONALD E. STOLL, LS 11753

		MS ROBERT HODGINS TRACT L&L & ASS. INC. 11753 RONALD E. STOLL 11753 L.S. OF ARIZONA 11753
JAMES H. STOLL 11753 L.S. OF ARIZONA 11753	11753 L.S. OF ARIZONA 11753	11753 L.S. OF ARIZONA 11753





THE NAVAJO NATION  
FORT DEFIANCE CHAPTER  
P.O. Box 366, Fort Defiance, Arizona 86504  
Phone: (928) 729-4352; Fax: (928) 729-4353  
Email: [fdefiance@navajochapters.org](mailto:fdefiance@navajochapters.org)

Larry Anderson, Sr., President  
Aaron Sam, Vice-President  
Brenda Wauneka, Secretary/Treasurer  
Herman Billie, Grazing Official  
Wilson C. Stewart, Jr., Council Delegate

JONATHAN NEZ  
Navajo Nation President

MYRON LIZER  
Navajo Nation Vice President

### RESOLUTION OF FORT DEFIANCE CHAPTER

FDC-2019-06-09-02

Supporting and Approving the Assignment of the former Pickett Housing Area of 5.8 acres to Navajo Nation Window Rock Judicial District for a Temporary Period of not more than Ten (10) Years

#### WHEREAS:

1. Fort Defiance Chapter is a certified chapter of the Navajo Nation, in accordance with Navajo Nation Code 2, Sections 4001 and 4006, with authority to address concerns of its people, and
2. Fort Defiance Chapter was duly governance-certified on January 15, 2016, which provides autonomy in chapter's structure and governance, and
3. Navajo Nation Window Rock Judicial District had to vacate its former site at the old public safety/judicial branch building in Window Rock due to unsafe, unsanitary and hazardous condition caused by the deterioration of the building and had to be demolished, and
4. Navajo Nation Judicial District has to continue to provide judicial and public safety services to our growing community and surrounding communities, and
5. The former Pickett Housing area of 5.8 acres was officially relinquished by Bureau of Indian Affairs and returned to Navajo Nation and Fort Defiance Chapter; said site was previously utilized by BIA for its employees' housing, and
6. Fort Defiance Chapter recognizes and supports the importance of services which the Judicial District provides to communities.

#### NOW THEREFORE BE IT RESOLVED THAT:

1. Fort Defiance Chapter hereby supports and approves the use and assignment of the former Pickett Housing area of 5.8 acres to Navajo Nation Window Rock Judicial District for a temporary period of not more than ten (10) years.
2. Navajo Nation Window Rock Judicial District will collaborate with the chapter in assignment and development of the area in accordance with pertinent Fort Defiance Chapter Comprehensive Land Use Plan policies and Navajo Nation laws.

#### CERTIFICATION

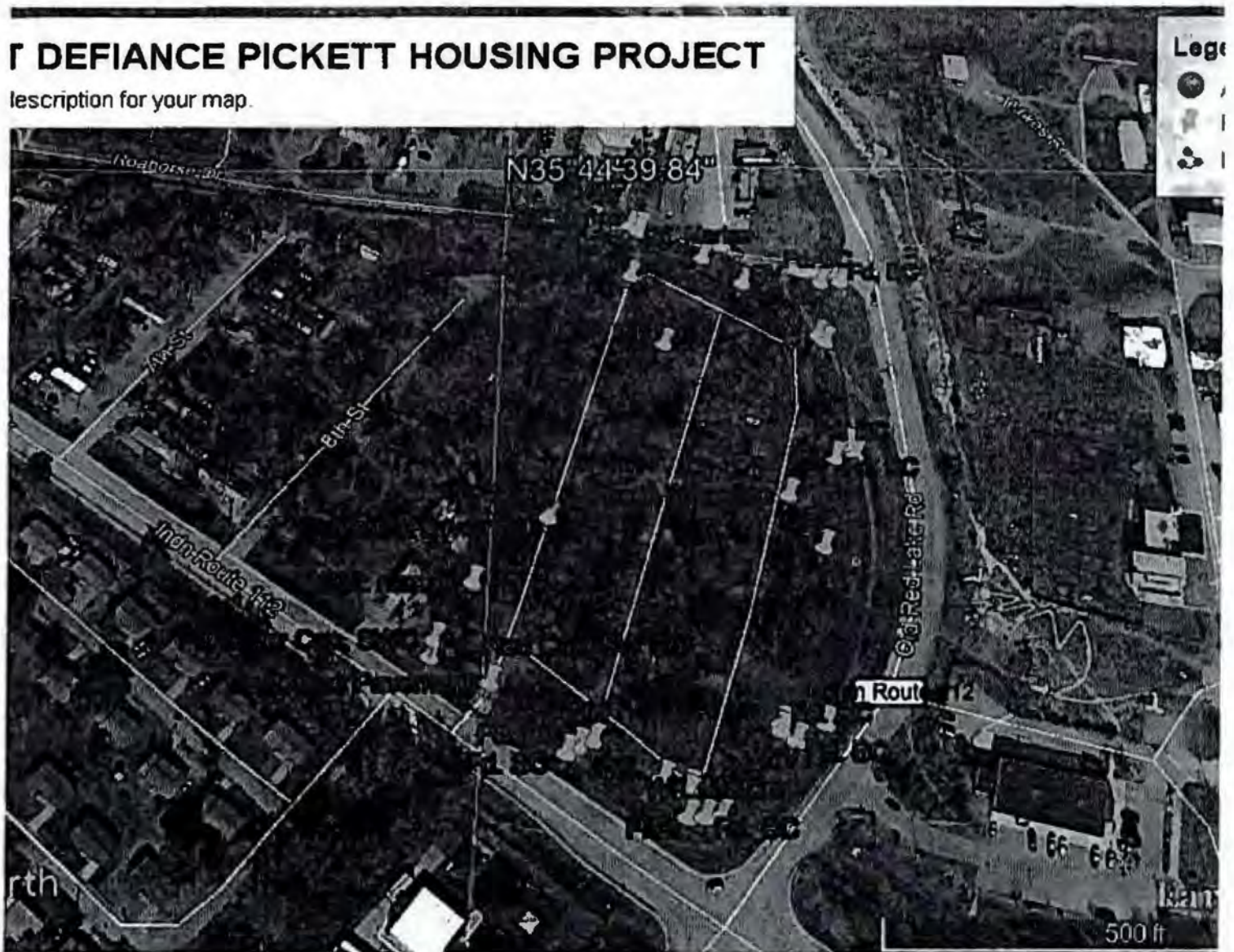
We hereby certify that the foregoing resolution was duly considered by the Fort Defiance Chapter at a duly called meeting at which a quorum was present and same was approved by a vote of 25 in favor, 0 opposed, and 2 abstained, this 9th day of June 2019. MOTIONED: Tipothy Bazay SECONDED: Wilson Stewart, Jr.

Aaron Sam  
Aaron Sam, Chapter Vice President



# DEFIANCE PICKETT HOUSING PROJECT

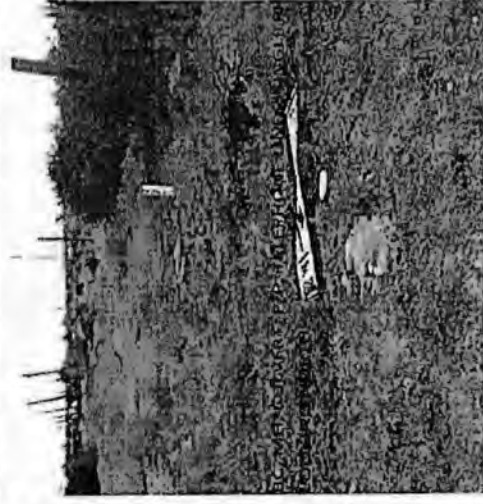
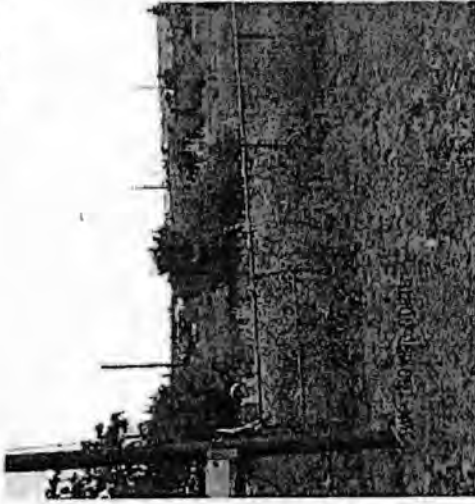
Description for your map.





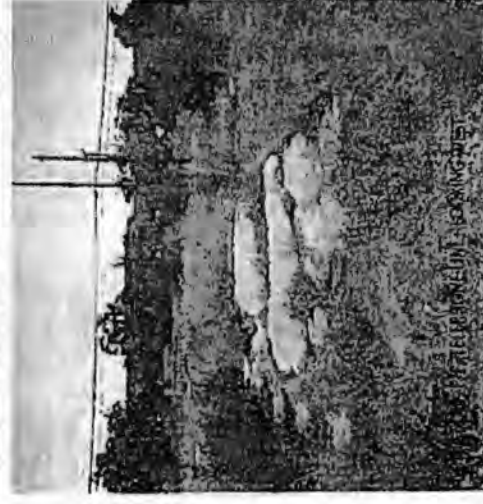
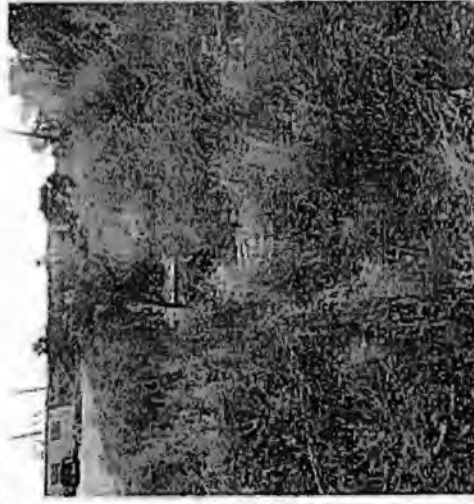
FORT DEFIANCE PICKETT HOUSING PROJECT

8-19-20



FORT DEFIANCE PICKETT HOUSING PROJECT

8-19-20



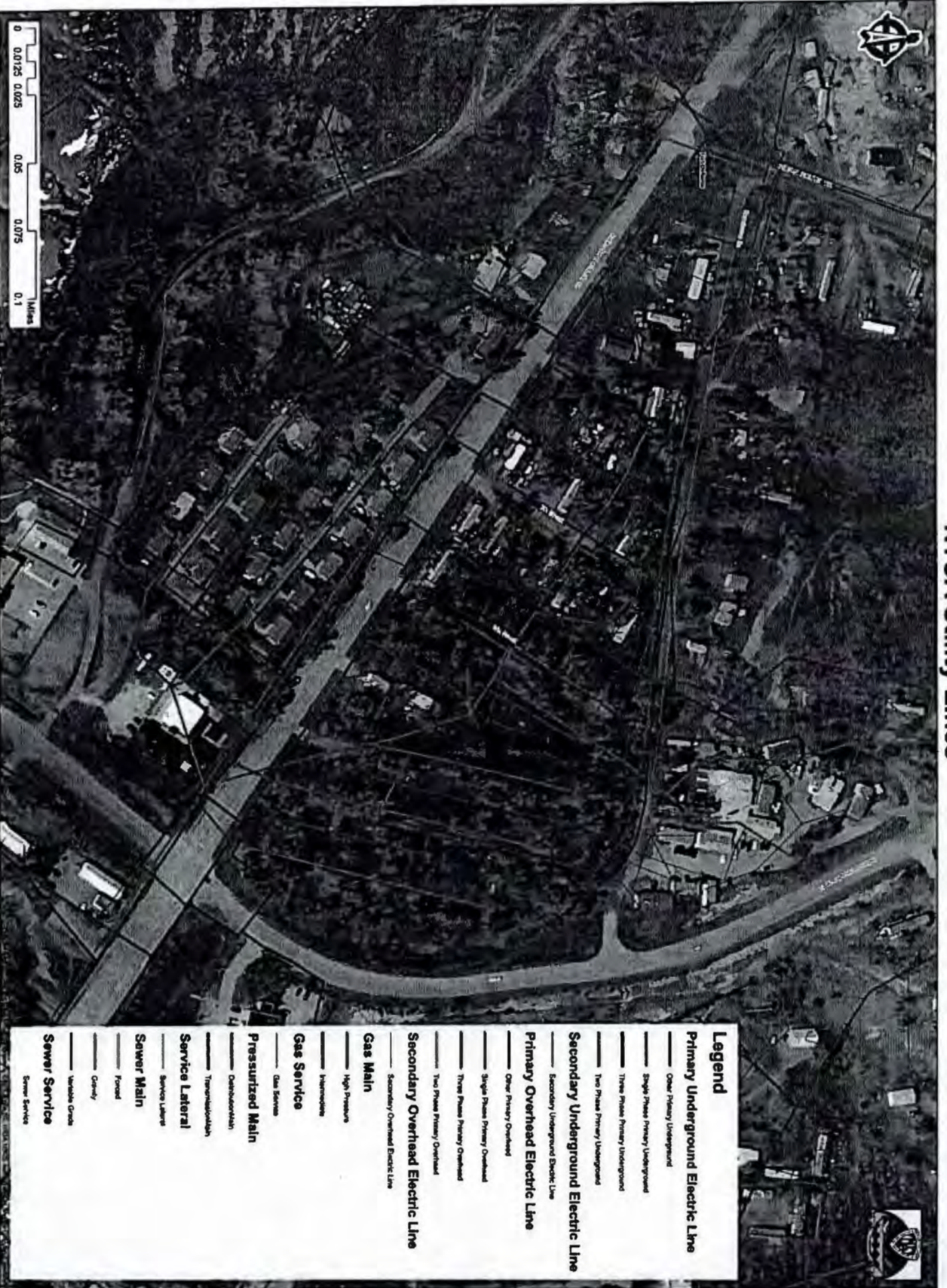
FORT DEFIANCE PICKETT HOUSING PROJECT

8-19-20





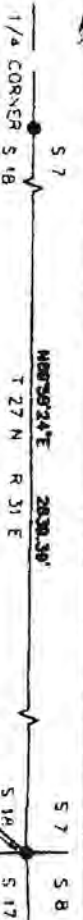
# NTUA Utility Lines



## Legend

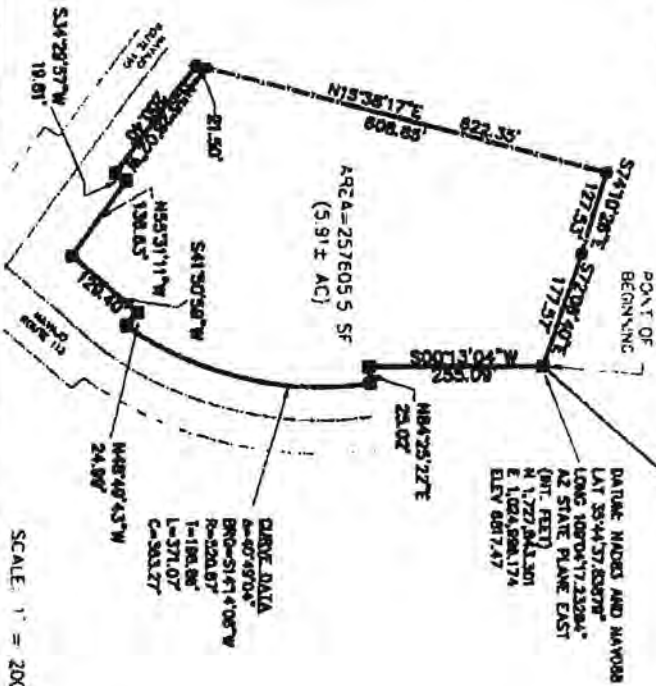
- Primary Underground Electric Line**
  - One Phase Underground
  - Single Phase Primary Underground
  - Three Phase Primary Underground
  - Two Phase Primary Underground
- Secondary Underground Electric Line**
  - Secondary Underground Electric Line
- Primary Overhead Electric Line**
  - One Phase Overhead
  - Single Phase Primary Overhead
  - Three Phase Primary Overhead
  - Two Phase Primary Overhead
- Secondary Overhead Electric Line**
  - Secondary Overhead Electric Line
- Gas Main**
  - High Pressure
  - Intermedia
- Gas Service**
  - Gas Service
- Pressurized Main**
  - Distribution
  - Transmission
- Service Lateral**
  - Service Lateral
- Sewer Main**
  - Force
  - Gravity
- Sewer Service**
  - Vehicle Grade
  - Sewer Service





# LEGEND:

- FOUND BLM CAUSTRAL BRASS CAP
- FOUND BIA BRASS CAP NON MONUMENT
- FOUND 5/8" REBAR
- SET 5/8" REBAR, LS 11758
- FENCE LINE



POINT OF COMMENCEMENT  
DATE: MARCH AND NAVD83  
LAT 30°50'13.172\"/>

DATE: MARCH AND NAVD83  
LAT 35°44'37.8287\"/>

## GENERAL NOTES

1. THIS SURVEY WAS PERFORMED BASED UPON THE INFORMATION AND RECORDS AS PROVIDED BY CLIENT.
2. BASES OF BEGINNING IS GEODETIC BASED ON GPS OBSERVATION.
3. THE COORDINATES SHOWN HEREIN ARE USED FOR NAVIGATIONAL PURPOSES ONLY.
4. AREA SUBJECT PROPERTY CONTAINS 5.91 ± ACRES.

GEODETIC NORTH



## LEGAL DESCRIPTION:

A PARCEL OF LAND SITUATED IN THE EAST HALF (1/2) OF SECTION 18, TOWNSHIP 27 NORTH, RANGE 31 EAST, BIA & SALT RIVER WATERSHED, IN THE COUNTY OF FT. DAVENPORT, ARIZONA COUNTY, STATE OF ARIZONA, ON THE NAVAJO RESERVATION AND IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 18, CORNER BEING MONUMENTED WITH A UNITED STATES BUREAU OF LAND MANAGEMENT CAUSTRAL SURVEY BRASS CAP, THENCE S 42°30'00\"/>

## SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECTION AND SUPERVISION DURING THE MONTH OF NOVEMBER 2010.



RONALD E. STOLL, LS 11758

4041 N. PUEBLO  
PHOENIX, AZ 85018  
TEL: (602) 944-1178  
FAX: (602) 944-1179

inaba

11758  
RONALD E. STOLL  
REGISTERED LAND SURVEYOR  
STATE OF ARIZONA

11758  
RONALD E. STOLL  
REGISTERED LAND SURVEYOR  
STATE OF ARIZONA





5/27/2020 0:00

Window Rock District Court  
Verlena Hale

Window Rock, AZ

Verlena Hale

We thank you very much for this opportunity to submit an estimate on your new building needs. Enclosed please find the pricing, specifications and floorplan sheets for your review. Please review the scope of work and the specifications carefully to ensure we have included everything you requested. If an item is not listed it is excluded. Thank you for your consideration, we look forward to working with you.

<b>112'X72' Court House Building</b>	<b>\$957,351.21</b>
<b>36'X72' Probation Office</b>	<b>\$488,414.00</b>
Sub Total:	<b>\$1,445,765.21</b>
Sales Tax:	<b>\$86,745.91</b>
<b>Grand Total:</b>	<b>\$1,532,511.12</b>

Exclusions: Anything not listed

Pricing is good for 30 days from the date of the quote. Plus applicable sales tax.

Terms: 10% down (to start the drawings), 45% on line, 35% off-line, 10% upon substantial completion (terms spelled out in Modular Solutions' standard contract). All punch list items on the substantial completion form will be completed within 30 days. Payment will not be held up from Modular Solutions Ltd. due to work performed by others (i.e. utility connections, permits, etc.).

**SIGN BELOW TO ACCEPT THIS PROPOSAL**

(After signing, this document will become Attachment A of Modular Solutions' standard Contract)

Modular Solutions, Ltd

CONTRACTOR

PO Box 15507

ADDRESS

Phoenix, AZ 85060

CITY, STATE, ZIP

By: \_\_\_\_\_

Title: Sales/Estimating

Window Rock District Court

CUSTOMER

ADDRESS

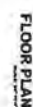
Window Rock, AZ

CITY, STATE, ZIP

By: Verlena Hale

(AUTHORIZED AGENT)

Title: \_\_\_\_\_

[illegible]



# DRAFT AIA® Document A141™ - 2014

## Standard Form of Agreement Between Owner and Design-BUILDER

AGREEMENT made as of the ~~«XX»~~22nd day of ~~«October»~~January in the year «2020»  
(In words, indicate day, month and year.)

BETWEEN the Owner:  
(Name, legal status, address and other information)

«~~Navajo Nation Community School~~ Navajo Nation Community School  
Department «~~NA~~»  
«~~Navajo Nation Administration Bldg. Bldg. #2296~~», P.O. Box  
«~~1510~~»  
«~~Window Rock, AZ 86597-8551~~»

and the Design-BUILDER:  
(Name, legal status, address and other information)

«NEZ/FCI Native American, LLC.»  
«P.O. Box 2176»  
«Litchfield, AZ 85340»

for the following Project:  
(Name, location and detailed description)

«~~Navajo Nation Community School~~ Navajo Nation Community School  
Intersection IR-42 and IR-13 NW Corner, Kib Creek Dr. & Red Lake Rd  
«~~Window Rock, AZ 86597-8551~~»

The Owner and Design-BUILDER agree as follows.

ADDITIONS AND DELETIONS:  
The author of this document  
has added information  
needed for its completion.  
The author may also have  
revised the text of the  
original AIA standard form.  
An Additions and Deletions  
Report that notes added  
information as well as  
revisions to the standard  
form text is available from  
the author and should be  
reviewed.

This document has important  
legal consequences.  
Consultation with an  
attorney is encouraged with  
respect to its completion  
or modification.

Consultation with an  
attorney is also encouraged  
with respect to  
professional licensing  
requirements in the  
jurisdiction where the  
Project is located.

Formatted: Superscript

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this document.

## TABLE OF ARTICLES

- 1 GENERAL PROVISIONS
- 2 COMPENSATION AND PROGRESS PAYMENTS
- 3 GENERAL REQUIREMENTS OF THE WORK OF THE DESIGN-BUILD CONTRACT
- 4 WORK PRIOR TO EXECUTION OF THE DESIGN-BUILD AMENDMENT
- 5 WORK FOLLOWING EXECUTION OF THE DESIGN-BUILD AMENDMENT
- 6 CHANGES IN THE WORK
- 7 OWNER'S RESPONSIBILITIES
- 8 TIME
- 9 PAYMENT APPLICATIONS AND PROJECT COMPLETION
- 10 PROTECTION OF PERSONS AND PROPERTY
- 11 UNCOVERING AND CORRECTION OF WORK
- 12 COPYRIGHTS AND LICENSES
- 13 TERMINATION OR SUSPENSION
- 14 CLAIMS AND DISPUTE RESOLUTION
- 15 MISCELLANEOUS PROVISIONS
- 16 SCOPE OF THE AGREEMENT

## TABLE OF EXHIBITS

- A DESIGN-BUILD AMENDMENT
- B INSURANCE AND BONDS
- C SUSTAINABLE PROJECTS

## ARTICLE 1 GENERAL PROVISIONS

### § 1.1 Owner's Criteria

This Agreement is based on the Owner's Criteria set forth in this Section 1.1.

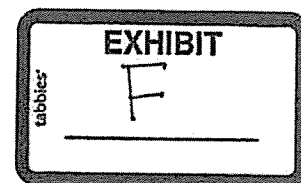
*(Note the disposition for the following items by inserting the requested information or a statement such as "not applicable" or "unknown at time of execution." If the Owner intends to provide a set of design documents, and the requested information is contained in the design documents, identify the design documents and insert "see Owner's design documents" where appropriate.)*

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User Notes:

(3B9ADA36)





FY 2021

THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY

Page 1 of 2  
BUDGET FORM 1

PART I. Business Unit No.: <u>NEW</u>		Program Title: <u>Window Rock Judicial District</u>		Division/Branch: <u>Judicial Branch</u>	
Prepared By: _____		Phone No.: _____		Email Address: _____	

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 A + B)
Judicial/Public Safety Facilities Fund	1/1/21 - 9/30/21	2,734,406	100%	2001 Personnel Expenses	6	0	0	0
				3000 Travel Expenses	6	0	0	0
				3500 Meeting Expenses	6	0	0	0
				4000 Supplies	6	0	0	0
				5000 Lease and Rental	6	0	0	0
				5500 Communications and Utilities	6	0	0	0
				6000 Repairs and Maintenance	6	0	0	0
				6500 Contractual Services	6	0	0	0
				7000 Special Transactions	6	0	0	0
				8000 Public Assistance	0	0	0	0
				9000 Capital Outlay	0	0	2,734,406	2,734,406
				9500 Matching Funds				
				9500 Indirect Cost				
				<b>TOTAL</b>		<b>0</b>	<b>2,734,406</b>	<b>2,734,406</b>

PART IV. POSITIONS AND VEHICLES		(D)	(E)
Total # of Positions Budgeted:		0	0
Total # of Permanently Assigned Vehicles:		0	0

TOTAL: \$2,734,406 100%

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

Stephen B. Elsitty, Administrative Director of the Courts <u>Stephen B. Elsitty</u> SUBMITTED BY: Program Manager's Printed Name <u>Stephen B. Elsitty</u> SUBMITTED BY: Program Manager's Signature and Date	JoAnn Jayne, Chief Justice <u>JoAnn Jayne</u> APPROVED BY: Division Director/Branch Chief's Printed Name <u>JoAnn Jayne 1-21-2021</u> APPROVED BY: Division Director/Branch Chief's Signature and Date
---	--

FY 2021

**THE NAVAJO NATION  
DETAILED BUDGET AND JUSTIFICATION**

**Page 2 of 2  
BUDGET FORM 4**

PART I. PROGRAM INFORMATION:			
Program Name/Title: <u>Window Rock Judicial District</u>		Business Unit No.: <u>NEW</u>	
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(D)
Object Code (\$,000)	Object Code Description and Justification (\$,000)	Total by DETAILED Object Code (\$,000)	Total by MAJOR Object Code (\$,000)
	<b>9000 CAPITAL OUTLAY</b> Purchase a new Modular Building for the Window Rock Judicial District and Probation staff, an entire team of 24. The Window Rock District court staff and Probation are displaced as they are currently sharing office space with the Administrative Office of the Courts (AOC) and the Peacemaking Program. The two programs need their own facilities to accommodate the services provided such as court hearings, holding calls, storing confidential court documents, mitigating the spread of the COVID 19 virus, and allowing for safety measures.		2,734,405
<b>9010</b>	<b>LAND &amp; IMPROVEMENTS</b>	442,133	
9014	Land Improvement: (On-Site improvement, site development and exterior improvements) Includes: site clearing, grading, building pad & Parking lot base prep, retention basin excavation ribbon footing excavation, Topographic survey and base mapping, Chain link Fence with 32 gate Building footing: Permanent reinforcement concrete footing, with CMU dry stack piers Exterior Improvement: concrete driveway apron, concrete ADA parking (2 steel) signs, trash enclosure &	442,133	
<b>9020</b>	<b>INFRASTRUCTURE</b>	342,207	
9025	Paving Lot/Sidewalk/Streetlight: Gravel parking lot (4" thick), curbs at retention basin, traffic control	75,265	
9030	Waterline: Utility hook up into existing water line system	81,484	
9040	Power line: Utility hook up to the building in to the existing electrical system	85,971	
9042	Water/Wastewater: Utility hook up into existing wastewater system	75,484	
9044	Gas Line Extension: Refinement and Capping existing gaslines on-site	20,000	
		<u>342,207</u>	
<b>9090</b>	<b>BUILDINGS</b>	1,798,993	
9092	Building: Pre-construction/construction/delivery/initial up/downside work engineering	1,698,449	
9092	Contingencies: changes in costs of materials and services	133,217	
		<u>1,798,993</u>	
<b>9110</b>	<b>FURNITURE &amp; FIXTURES</b>	93,600	
9112	Furniture- \$3,900 per set x 24 WSJUD/PPS personnel	93,600	
<b>9140</b>	<b>EQUIPMENT</b>	67,800	
9145	Computers: (4) Switch/Routers for Window Rock/Probation @ \$3,500 ea. Two Year Service Plan (\$1,200 X 24 mos. = \$28,800) Internet Link- L2 Connectivity (Construction) x 1 (Window Rock/Probation)	14,000 28,800 15,000 <u>57,800</u>	
<b>TOTAL:</b>		<b>2,734,405</b>	<b>2,734,405</b>

**THE NAVAJO NATION  
PROJECT BUDGET SUMMARY**

<b>PART I.</b>		Business Unit No.: <u>CO (NEW)</u>	Project Title: <u>Window Rock Judicial District &amp; Probation Modular Building</u>
		Division/Branch: <u>JUDICIAL BRANCH</u>	Chapter: <u>Ft. Defiance</u> Agency: <u>001 - Window Rock</u>
		Prepared By: <u>Verlena Hale, Court Administrator</u>	Phone No.: <u>928-871-6626</u>

<b>PART II.</b>	Check one: <input checked="" type="checkbox"/> Original	<input type="checkbox"/> Revision	<input type="checkbox"/> Reallocation	<input type="checkbox"/> Modification
-----------------	---	-----------------------------------	---------------------------------------	---------------------------------------

Project Funds	Appropriation End Date	Amount	% of Total
JUDICIAL PUBLIC SAFETY Facilities Funds- to purchase modular building	09/30/21	\$2,734,406.00	100%
to provide court and probation services in the Window Rock Judicial District.			
<b>TOTAL:</b>		\$2,734,406.00	

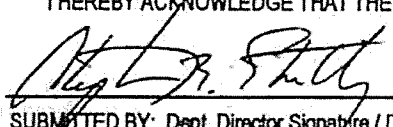
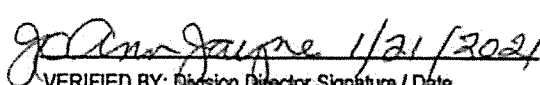
  

PART III. Capital Outlay	Amount
9010 Land & Improvements	442,133
9020 Infrastructure	342,207
9050 Building	1,798,666
9070 CAP-Pro. Tech. Services	
9110 Furniture & Fixtures	93,600
9140 Equipment	57,800
9160 Vehicles	
9180 Intangible Assets	
9190 Other Assets	
9510 Cash Matching Funds	
<b>TOTAL</b>	\$2,734,406

PART IV. Project Information	
Project Type: <u>05 ( BUILDING - COURT)</u>	
Planned Start Date: <u>02/01/21</u>	
Planned End Date: <u>09/30/21</u>	
Project Manager: <u>Stephen Etsitty, Director</u>	
<b>FOR OMB USE ONLY</b>	
Resolution No.: _____	
FMIS Set Up Date: _____	
Company No.: _____	
OMB Analyst: _____	

<b>PART V. ACKNOWLEDGEMENT:</b>	
I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET IS COMPLETE AND ACCURATE.	
 SUBMITTED BY: Dept. Director Signature / Date <u>01/21/21</u>	 VERIFIED BY: Division Director Signature / Date <u>1/21/2021</u>

**THE NAVAJO NATION  
CAPITAL PROJECT BUDGET SCHEDULE**

PART I. Business Unit No.: <u>CO</u>		Project Title: <u>Window Rock Judicial District &amp; Probation Modular Building</u>																																		
Project Description: <u>Purchase a modular building to provide court and probation services in the Window Rock Judicial District. Utility connections to building.</u>																																				
<u>Purchase new furniture and computer equipment. Develop a parking lot and exterior improvements.</u>																																				
PART II.  Task List (List tasks such as Plan, Design, Construct, Equip or Furnish)	PART III. Use Fiscal Year (FY) quarters. Fill in the FY below.																								Expected Completion Date if exceeds 8 Qtrs.											
	FY 2021			FY 2021			FY 2021			FY 2021			FY 2022			FY 2022			FY 2022			FY 2022														
	1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			Date											
	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M						
Encumber Funds				X																																
Award Contract				X																																
Begin Construction				X																																
Review Construction Progress					X		X																													
Site Preparations					X																															
On Site Set Up									X																											
Utilities Connections									X																											
Inspections									X																											
Obtain Certificate of Occupancy										X																										
PART IV.	\$			\$			\$			\$			\$			\$			\$			\$			TOTAL											
Estimate Budget Expenditure by Qu	0.00			0.00			814,340.00			1,798,666.00			121,400.00												\$2,734,406.00											

**THE NAVAJO NATION**  
**CAPITAL PROJECT BUDGET AND JUSTIFICATION**

<b>PART I</b>				
Business Unit No.: <u>NEW</u>				
Project Title: <u>Window Rock Judicial District &amp; Probation Modular Building</u>				
<b>PART II</b>				
(A)	(B)	(C)	(D)	(E)
Fund Source Code	Agency Code	Object Code (LOD 6)	Object Code Description (LOD 7) & Justification	Budget TOTAL
Judicial Public Safety Facilities Fund	6	9010	LAND & IMPROVEMENTS .9014 - Land Improvements (on site improvement and development)	\$442,133
	6	9020	INFRASTRUCTURE .9026 - Parking Lot/Sidewalk/Streetlight .9038 - Waterlines .9040 - Powerlines .9042 - Water/Wastewater .9044 - Gas line Extension	76,268 83,484 86,971 75,484 20,000 342,207
	6	9050	BUILDING .9052 - Buildings - 8000 sq ft Modular for Window Rock Judicial District & Probation .9062 - Contingencies - WRJD/PPS Modular Building	\$1,665,449 133,217 1,798,666
	6	9110	FURNITURE & FIXTURES .9112 - Furniture - \$3,900 x 24 personnel	\$93,600
	6	9140	EQUIPMENT .9146 - Computers - Equipment (4) Switch/Router Two year Service Plan (1,200 x 24 = \$28,800 Internet Link - L2 Connectivity (Construction)	14,000 28,800 15,000 57,800
<b>PAGE TOTAL:</b>				<b>\$2,734,406.00</b>



# THE NAVAJO NATION

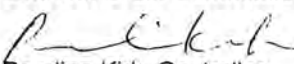
JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



## Memorandum

Date: February 8, 2021

To: Honorable Eugenia Charles-Newton, Chairperson  
Law and Order Committee, Navajo Nation Council

From:   
Pearline Kirk, Controller  
Office of the Controller

Subject: Judicial Public Safety Fund Balance-December 2020

Attached you will find the unaudited Income Statement and Balance sheet (**Exhibit A**) for the Judicial Public Safety Fund as of December 31, 2020.

The unaudited un-appropriated balance of the Judicial Public Safety Fund as of December 31, 2020, is \$14,967,745 (see **Exhibit A, footnote 1**). Exhibit A shows the composition of the Judicial Public Safety Fund Balance.

In FY 2021 the Judicial Public Safety Fund (**Exhibit A**) has collected \$3,125,492, **footnote 2**, in revenue/contributions, the total expenditures are \$4,058,850, **footnote 3**. The excess of expenditures over revenues is \$933,358, **footnote 4**.

Please note that the debt service payments for the Navajo Nation's bond issuance from 2015 comes from this fund and such debt service payments average \$5 million per year until the bond is paid in full by the year 2030. This amount must be reserved each year to ensure that the bond debt service payments are made. Any proposed legislations currently going through the process will not be reflected in this balance until those resolutions have been approved.

The Judicial Public Safety Fund is primarily responsible for ensuring the bond is paid for each year until 2030 when the bond is extinguished. Both Law and Order Committee and the Budget and Finance Committee would need to be aware of this provision.

Thank you, if you should have any question please feel free to call me at tribal extension X6308

**FY 2021**

**EXHIBIT A**

**Judicial Public Safety/Key Bank  
Balance Sheet  
Unaudited December 31, 2020**

Cash	\$ 5,009,990
Investments	21,897,448
Accrued Interest Receivable	-
Accounts Receivable	12,481
Note Receivable	-
<b>Total Assets</b>	<u><u>26,919,919</u></u>
<b>Liabilities:</b>	
Accounts payable	-
Accrued Liabilities	717,662
	<u>717,662</u>
<b>Fund balance</b>	
Restricted to Capital Projects	14,967,745 (1)
Committed for Capital Projects	9,793,363
FY 2021 Budget	1,441,150
<b>Total Fund Balance</b>	<u><u>26,202,258</u></u>
<b>Liabilities &amp; Fund Balance</b>	<u><u>\$ 26,919,919</u></u>

**Judicial Public Safety Facilities  
Income Statement  
3 months ended December 31, 2020**

<b>Revenues:</b>	
Investment income	\$ 8,397
Other financial	-
Allocation/Contributions	3,117,095
Other Revenue	-
	<u>-</u>
<b>Total Revenues</b>	<u><u>3,125,492 (2)</u></u>
<b>Expenditures:</b>	
Contractual Services	-
Amortization Expense	4,058,850
IDC	-
Capital Outlay	-
Furniture & Equipment	-
<b>Total expenditures</b>	<u><u>4,058,850 (3)</u></u>
<b>Excess/deficit of revenues over expenditures</b>	<u><u>(933,358) (4)</u></u>
 (1) - Available for use for Capital Projects	
(2) - Total Revenue	
(3) - Total Expenditures	
(4) - Excess of revenue over expenditures	

## FACILITY NEEDS & TIMELINE



## WINDOW ROCK JUDICIAL DISTRICT

## INTRODUCTION:

The deteriorated condition of the Window Rock District Public Safety building forced Window Rock District Court to vacate the building in May 2017 and to move into a leased facility to house Court and Probation Services personnel after several building closures due to sewage backup problems and natural gas leaks.

The Old Police/Court building in Window Rock, Arizona was built in 1958. Over the years several assessments were conducted on the structure:

- a. A 2008 report from Fiberquant Analytical Services identified areas in the court that contain asbestos.
- b. A 2010 letter from the Indian Health Services Office of Environment Health stated that the facility has frequent roof failures that cause interior damage and growth of mold. Some concrete support beams and columns have severely deteriorated due to soil movement and shifting. The court has previously had to shut down due to issues with its HVAC, and in the past, has had to arrange its schedule to open and close its offices early to continue to serve the public. Due to these ongoing issues, the Window Rock Judicial District Court needed to relocate.

The district court leased office space from the Navajo Nation Shopping Centers, Inc., in June 2017. On July 9, 2018, the district court vacated the leased office space due to mold problems and poor indoor air quality. After months of inspections and repairs undertaken by NNSCI, the district court could not re-occupy the leased office space. In December 31, 2018 the lease expired and the NNSCI did not renew the lease.

Since July 2018, the Window Rock Judicial District has operated out of the Administrative Office of the Courts building and the Peacemaking Program office space. The judges use the old Supreme Court's courtroom or Law and Order conference room for hearings. While this arrangement was initially expected to last only one month, the district court judges and staff continue to work in undersized and cramped quarters that are not designed to accommodate 24 personnel. Since the lease agreement was not renewed, the Court has continued to search the Window Rock and surrounding area for available office space to relocate the district court for a ten-year period.

The Window Rock Judicial District plans to eventually move into a new judicial building after construction of a new Judicial/Public Safety complex in Fort Defiance, AZ.

However, the planning and design of the new building complex began last year, and this project will take several years to complete. Therefore, the Window Rock Judicial District and Probation Services are in dire need of temporary office space.

The Window Rock District Court has a high caseload and one of the largest staffing among all Judicial Districts. In FY 2017 the total number of Cases Filed was 3,068. In FY 2019 the total number of Cases Filed was 3,283. Last year in FY 2020 the total number of Cases Filed dropped to 1,644 due to the COVID-19 pandemic, the court being



closed to the public, and all essential cases relying on telephonic hearings. The Window Rock District Court caseload is comprised of the follow case types:

- Termination of Parental Rights
- Adoption, Adult & Children Guardianship
- Name Change, Correction of Record
- Conservatorship
- Declare a Name
- Probate and Quiet Title
- Custody
- Paternity
- Divorce
- OSC, Modification
- Validation of Marriage
- Foreign Judgement
- QDRO
- Domestic Violence
- Criminal Case; DUI, Battery, Aggravated Battery, Threatening, Etc.
- Traffic Civil; Citation
- Special Division; White collar
- Complex Civil Cases- the Navajo Nation being sued
- Repossession, small Claims
- Personal Injury/Tort
- Application for Arrest
- Temporary Restraining Order
- Injunction
- Writ
- Search/Seizure Warrant
- Bench Warrant
- Dependency
- Delinquent
- Child in need of Supervision

In 2019 the Navajo Nation Occupational Safety and Health Administration (NNOSHA) conducted inspections of the Window Rock District's work space and found it lacking for adequate and safe work space. In September 2019, NNOSHA observed a day of court hearings where concerns were raised due to overcapacity of the hearing room and the old Supreme Court building hallway. In a memo to the Judicial Branch the NNOSHA recommended addressing overcapacity issues for the Window Rock courts.

Since March 2020, the Coronavirus Pandemic has only increased the need for adequate and safe work environments for all NN personnel. Currently, the requirements for physical distancing place additional restrictions on the ability of the Window Rock District to conduct its work inside already cramped work spaces.

The need for a modular building was recognized by Navajo Nation leadership and in August 2020 funds were appropriated from CARES Act Funds through Resolution CJY-67-20, only to revert the funds due to inability to meet the deadlines and regulations. In cooperation with Fort Defiance Chapter, a resolution approving a land re-assignment of 5.8 acres for a temporary court building was passed in June 2019.

The land re-assignment was completed by the Navajo Nation Land Department in November 2020, and 5.8 acres were transferred to the Window Rock Court. The temporary court building project was included in the proposed Judicial/Public Safety Facilities Priority Projects in 2019, in agreement with the Division of Public Safety.

The Judicial/Public Safety Facilities Fund operates under an approved Fund Management Plan established in March 2007, through LOCJN-04-17. The use of the funds for a modular building will enhance the integrity of the Navajo Nation Judicial Branch/Probation services, promote a sense of security and confidence, provide a safe work environment, and restore the trust within our Navajo Nation Judicial process.

The Navajo Nation is situated within 4 states; Utah, Arizona, New Mexico, and Colorado. The Window Rock Judicial District/Probation serves all states specified. The lack of office space and equipment/material hinders the provision of court services. Confidentiality of court documents is a major concern where minimal security raised the liability from theft. The Navajo people are the priority when it comes to services. The Window Rock Judicial District and Probation Parole Services are limited to providing effective and efficient services due to being displaced.

### **LONG TERM FACILITY NEEDS**

The following project are permanent facilities that will meet the long term needs of the Window Rock Judicial District – For a permanent judicial/public safety facility, a team that includes both judicial and public safety needs to be assembled. A land has been identified in the Fort Defiance, Arizona area. However, the planning and design of the new building complex began last year, and this project will take several years to complete. The estimated cost for a court facility is \$ 65 million.



**LAW AND ORDER COMMITTEE**  
**Regular Meeting**  
**March 15, 2021**

**Legislation No. 0022-21:** Relating to Law and Order Committee, Approving an Allocation of Two-Million Nine-Hundred Thirty Thousand Five Hundred Eleven Dollars (\$2,930,511.00) from Judicial/Public Safety Fund, to the Window Rock Judicial District, for the Purchase of the Modular Window Rock Judicial Complex  
*New – Sponsor: Honorable Otto Tso*

**VOTE TALLY SHEET:**

**Amendment No. 1:**

**Motion:** Honorable Eugene Tso                      Second: Honorable Vince James                      Vote: 3-0-2

Yea: Honorable Vince James, Honorable Eugene Tso, Honorable Otto Tso

Nay: None

Not Voting: Honorable Eugenia Charles-Newton, Chairwoman

Excused: None

Absent: Honorable Edmund Yazzie

**Main Motion:** Honorable Vince James                      Second: Honorable Eugene Tso                      Vote: 3-0-2


Yea: Honorable Vince James, Honorable Eugene Tso, Honorable Otto Tso

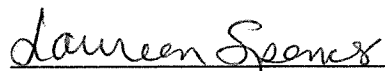
Nay: None

Not Voting: Honorable Eugenia Charles-Newton, Chairwoman

Excused: None

Absent: Honorable Edmund Yazzie

  
\_\_\_\_\_  
Eugenia Charles-Newton, Chairwoman  
Law and Order Committee

  
\_\_\_\_\_  
Laureen Spencer, Legislative Advisor  
Office of Legislative Services