

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0071-22_

SPONSOR: Eugenia Charles-Newton

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

Date posted: April 01, 2022 at 4:30PM

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SUMMARY OF PROPOSED LEGISLATION

TrackingNo. 0071-22

Date: March 25, 2022

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

Purpose of this Legislation:

to approve a budget transfer of remaining available funds from the completed Chinle Justice Center Project into a new Business Unit for the Department of Corrections to use for an on-call project manager that will provide planning and other services for DOC's several judicial/public safety facilities projects that need to be made shovel ready.

OLC No. 21-382-1

5-DAY BILL HOLD PERIOD:

Website Posting Time/Date:

Posting End Date: 04-06-22

Eligible for Action: 04-07-22

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PROPOSED STANDING COMMITTEE RESOLUTION
24th NAVAJO NATION COUNCIL - Fourth Year, 2022

Introduced by:



Primary Sponsor

Tracking No. 0071-22

AN ACT

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

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Law and Order Committee was established as a standing committee of the Navajo Nation Council; as such, the Committee has oversight authority over the Navajo Nation Division of Public Safety. 2 N.N.C. §600(A); 2 N.N.C. §601(C)(1). The Department of Corrections is a Department under the Navajo Nation Division of Public Safety. See Resolution No. GSCAU-61-95, as amended by GSCJA-06-11 and LOCMA-05-18. Thus, the Law and Order Committee has oversight responsibility for the Department of Corrections.

B. The Budget and Finance Committee was established as a standing committee of the Navajo Nation Council and was given the power to review and recommend to the Navajo Nation

1 Council the budgeting, appropriation, investment, and management of all Navajo Nation
2 funds. 2 N.N.C. §300(A); §301(B)(2).

3 C. The Budget and Finance Committee has the authority to approve Fund Management Plans
4 for the Navajo Nation's special revenue funds; the Committee also has the power to
5 delegate its responsibilities and authorities for the more efficient functioning of the Navajo
6 Nation government. 2 N.N.C. §301(B)(14); §301(B)(19).

7 D. In Resolution No. CJA-03-07 the Navajo Nation Council established the Judicial/Public
8 Safety Facilities Fund ("JPSF Fund"), a special revenue fund consisting of 25% of the
9 revenue from the Navajo Sales Tax. 24 N.N.C. §620. The purpose of the JPSF Fund is to
10 provide money for the planning and construction of judicial facilities and public safety
11 facilities across the Navajo Nation. CJA-03-07 gives the Budget and Finance Committee
12 approval authority for the Fund Management Plan for the JPSF Fund. CJA-03-07 is
13 attached as **EXHIBIT A**.

14 E. In Resolution No. BFD-66-11 the Budget and Finance Committee amended the Fund
15 Management Fund to permit the Law and Order Committee to approve JPSF Fund
16 allocations for judicial/public safety projects. BFD-66-11 is attached as **EXHIBIT B**.

17

18 **SECTION TWO. FINDINGS**

19 A. In Resolution No. LOCJN-04-17 the Law and Order Committee approved a JPSF Fund
20 project priority list describing 16 projects in 16 different Chapters. **EXHIBIT C**. The
21 Department of Corrections ("DOC") implements and manages these major public facilities
22 projects using approved allocations from the JPSF Fund.

23 B. Specifically, Section II of the Fund Management Plan allows the JPSF Fund to be used for
24 activities including, but not limited to, project planning, site clearance, and development
25 for judicial/public safety facilities. **EXHIBIT B**.

26 C. DOC is requesting a budget transfer of \$2,726,729.24 out of Business Unit No. C01493
27 (designated for the Chinle Judicial/Public Safety Center) and into a yet-to-be-created
28 Business Unit, for DOC's use on its already-contracted project management firm. DOC
29 proposes to use the \$2,726,729.24 to pay for the on-call project manager's professional
30 services such as project planning and other activities related to DOC's numerous projects at

1 several Chapters. The project manager's services are urgently needed to get these
2 judicial/public safety projects shovel ready.

3 D. DOC's explanation of the need for funds, and its budget transfer form, are attached as
4 **EXHIBIT D**. A proposed scope of work for the on-call project manager is attached as
5 **EXHIBIT E**.

6 E. The Navajo Nation's Judicial Branch and the Division of Public Safety have agreed upon
7 five high-priority projects. **EXHIBIT F**. DOC's project manager will be assigned to these
8 projects from time to time, as necessary and appropriate.

9 F. The Office of the Controller has verified that the \$2,726,729.24 amount requested by DOC
10 is available in the JPSF Fund, Business Unit No. C01493. **EXHIBIT G**. As explained in
11 the Controller's memo, the Chinle Judicial/Public Safety Center project has been
12 completed and the leftover funds, except for \$106,931.43 that remains encumbered for
13 another purpose, are not needed for the Chinle project. Therefore, DOC desires to use this
14 available amount in Business Unit No. C01493 for its on-call project manager.

15 G. The Navajo Nation finds that the request by the Department of Corrections for
16 \$2,726,729.24 in funding from the Judicial/Public Safety Facilities Fund for an on-call
17 project manager is in the best interest of the Navajo Nation. As proposed by DOC, the
18 project manager's work will facilitate the completion of the various judicial/public safety
19 projects that are urgently needed in several communities across the Navajo Nation.
20

21 **SECTION THREE. APPROVING BUDGET TRANSFER**

22 The Navajo Nation hereby approves a budget transfer within the Judicial/Public Safety
23 Facilities Fund of \$2,726,729.24 out of Business Unit No. C01493 (designated for the Chinle
24 Judicial/Public Safety Center project) into a new Business Unit to be established by the Office
25 of the Controller. The transferred funds shall be used by the Department of Corrections for
26 on-call project management services for DOC's numerous judicial/public safety projects that
27 are ongoing, as explained in the attached EXHIBIT D and EXHIBIT E.
28

29 **SECTION FOUR. DIRECTIVE**

30 The Office of the Controller is hereby directed to create a new account, with a new Business Unit

1 number, that will be designated for use by the Department of Corrections to pay for its contracted
2 project manager. The Office of the Controller shall then transfer \$2,726,729.24 out of Business
3 Unit No. C01493 and put the \$2,726,729.24 into the new Business Unit account, as requested
4 by DOC in the attached EXHIBIT E.
5

6 **SECTION FIVE. EFFECTIVE DATE**

7 This Act shall become effective according to 2 N.N.C. §189(A) and Resolution No. BFD-66-11.
8

9 **SECTION SIX. SAVING CLAUSE**

10 If any portion of this Act is invalidated by the Supreme Court of the Navajo Nation, or by any
11 Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, the remainder
12 of this legislation shall be the law of the Navajo Nation.
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