

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0048-22_

SPONSOR: Carl R. Slater

TITLE: An Action Relating to the Resources and Development, Health, Education and Human Services, Budget and Finance, and Naabik'iyáti' Committees, and the Navajo Nation Council; Allocating \$29,216,453 in Síhasin Funds to Navajoland Nursing Home, Inc. for the Construction and Operation of a Veterans Nursing Home; Approving the "Navajo Warriors Home Expenditure Plan" Pursuant to 12 N.N.C. § 2501 - § 2508

Date posted: March 09, 2022 at 5:44PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0048-22

DATE: March 9, 2022

TITLE OF RESOLUTION: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT, HEALTH EDUCATION AND HUMAN SERVICES, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; ALLOCATING \$29,216,453 IN SÍHASIN FUNDS TO NAVAJOLAND NURSING HOME, INC. FOR THE CONSTRUCTION AND OPERATION OF A VETERANS NURSING HOME; APPROVING THE "NAVAJO WARRIORS HOME EXPENDITURE PLAN" PURSUANT TO 12 N.N.C §2501 – §2508

PURPOSE: This resolution, if approved, will allocate Sihasin Funds for construction and first year operations of a 60 bed veterans nursing home, called the Navajo Warriors Home, to be located in Chinle on Navajoland Nursing Home, Inc. property.

This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD:
Website Posting Time/Date:
Posting End Date: 03-14-22
Eligible for Action: 03-15-22

Resources & Development Committee
Thence
Health Education & Human Services Committee
Thence
Budget & Finance Committee
Thence
Naabik'iyáti' Committee
Thence
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 24th NAVAJO NATION COUNCIL – Fourth Year, 2022

3 INTRODUCED BY

4 
5 _____
6 (Prime Sponsor)

7
8 TRACKING NO. 0048-22
9

10 AN ACTION

11 RELATING TO THE RESOURCES AND DEVELOPMENT, HEALTH EDUCATION
12 AND HUMAN SERVICES, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI'
13 COMMITTEES, AND THE NAVAJO NATION COUNCIL; ALLOCATING
14 \$29,216,453 IN SÍHASIN FUNDS TO NAVAJOLAND NURSING HOME, INC. FOR
15 THE CONSTRUCTION AND OPERATION OF A VETERANS NURSING HOME;
16 APPROVING THE "NAVAJO WARRIORS HOME EXPENDITURE PLAN"
17 PURSUANT TO 12 N.N.C §2501 – §2508
18

19 BE IT ENACTED:
20

21 SECTION ONE. AUTHORITY

- 22 A. The Resources and Development Committee is a standing committee of the Navajo Nation
23 Council with the authority to oversee all matters involving economic and community
24 development, among other matters. 2 N.N.C. § 500(C).
- 25 B. The Health Education and Human Services Committee is a standing committee of the Navajo
26 Nation Council with the authority to oversee all matters involving veteran issues and services.
27 2 N.N.C. §§ 401(B) (6) and (7) and 401(C) (6).
- 28 C. The Budget and Finance Committee is a standing committee of the Navajo Nation Council
29 with the responsibility to "review and recommend to the Navajo Nation Council the
30 budgeting, appropriation, investment and management of all funds." 2 N.N.C. § 301(B)(2).

1 D. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council that is
2 mandated to consider all proposed final actions by the Navajo Nation Council. 2 N.N.C. §
3 164(A)(9).

4 E. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102(A).

5 F. The Navajo Nation Code (at 12 N.N.C. §2502 *et al*, as amended by CJA-03-18) provides that
6 the purposes of the Navajo Nation Síhasin Fund (“Síhasin Fund”) are as follows:

7 § 2502 Purpose

8 A. The purposes of this Fund are to provide financial support and/or financing for:

- 9 1. The planning and development of economic development and regional
10 infrastructure supporting economic development and community development,
11 including such infrastructure as, but not limited to, housing, commercial and
12 government buildings, waterline, solid waste management development,
13 powerline projects, and transportation and communication systems, within the
14 Navajo Nation; . . .

15 B. For the Purpose in §2502(A)(1), Fund expenditures for infrastructure shall not be limited
16 by 12 N.N.C. §1310(F) or TCDCJY-77-99.

17 C. Leveraging the Fund by way of guaranteeing loans, match funding, direct funding in part,
18 and other weighted uses of the Fund, including loan financing from the Fund, for the
19 purposes in §2502(A)(1), shall be favored over direct funding in whole.

20 G. The Síhasin Fund provides that “Fund Principal” shall consist of all deposits made to the
21 Síhasin Fund and that “Fund Income” shall consist of all earnings (interest, dividends, etc.)
22 generated and realized by the Fund Principal, and that Síhasin Fund Income shall be deposited
23 in, and added to, the Fund Principal until such time as a Fund Expenditure Plan is duly
24 approved. 12 N.N.C. §2504 and §2505(C).

25 H. The Síhasin Fund provides that “Fund Principal and Income shall not be expended except
26 pursuant to a Fund Expenditure Plan consistent with the purposes set forth in §2502 of this
27 Chapter and adopted by a two-thirds (2/3) vote of all members of the Navajo Nation Council.”
28 12 N.N.C. §2505(A).

29
30 **SECTION TWO. FINDINGS**

- 1 A. Navajo veterans have provided invaluable service and allegiance to the United
2 States of America through the Navajo Code Talkers using our language in World
3 War II to the Navajo veterans serving in the U.S. Armed Forces during every single
4 war or conflict since World War II.
- 5 B. The service of Navajo veterans has brought high honor to the Navajo Nation and to
6 the Navajo People and their communities.
- 7 C. As Navajo veterans become elderly, they require access to quality care and reliable
8 services. Currently, Navajo veterans have to leave their families and travel off-
9 reservation, often hundreds of miles, to the nearest Veterans Health Administration
10 health care facilities to receive care.
- 11 D. If a Navajo veteran requires a nursing home due to health and/or age, there are no
12 veteran-specific nursing homes on the Navajo Nation, and the only solution is for
13 the veteran to be admitted to a Veterans Administration nursing home hundreds of
14 miles from their home and the Navajo Nation. Furthermore, such admissions are
15 contingent on space availability and priorities set by U.S. Department of Veteran
16 Affairs.
- 17 E. The Navajo Nation understands the crucial need of developing and constructing
18 Navajo veteran nursing homes to keep our elderly Navajo veterans domiciled
19 within the Navajo Nation and near their families, friends, and community.
- 20 F. Navajoland Nursing Homes, Inc. (“Navajoland”) is proposing to build and operate
21 a sixty (60) bed Navajo veterans nursing home to be called the “Navajo Warriors
22 Home” on Navajoland property in Chinle, Arizona. The details of the Navajo
23 Warriors Home are set forth in **Exhibit A**.
- 24 G. Aside from Navajoland contributing the property where the Navajo Warriors Home will
25 be located, Navajo Housing Authority (“NHA”) provided \$250,000 to Navajoland in 2015
26 for project design for the veterans nursing home.
- 27 H. Navajoland has fifty plus (50+) years of experience in elder health care and has operated
28 the eighty (80) bed Level I, II & III Dr. Guy Gorman Senior Care Home, on the Navajo
29 Nation since 2019 after operating the Chinle Nursing Home for more than forty (40) years.
30 Navajoland has also been designated as a Navajo Nation Tribal Organization for purposes

1 of Pub. L. 93-638 contracting. *See Exhibit B* for additional information about Navajoland.

- 2 I. The Navajo Nation finds that the Navajo Warriors Home is within the economic and
3 community development purposes of the Sihasin Fund and the contributions by Navajoland
4 and NHA satisfy the Sihasin Fund contribution and leveraging preference.
- 5 J. The Navajo Nation further finds that funding the Navajo Warriors Home with the Sihasin
6 Fund, as set forth in **Exhibit A**, is in the best interest of the Navajo People, Navajo
7 Veterans, and their communities.

8

9 **SECTION THREE. ALLOCATION OF SÍHASIN FUNDING AND APPROVAL OF**
10 **EXPENDITURE PLAN**

- 11 A. The Navajo Nation hereby allocates twenty-nine million two hundred sixteen thousand
12 four hundred fifty-three dollars (\$29,216,453) in Sihasin Funds to Navajoland Nursing
13 Home, Inc. for development, construction and operation of the Navajo Warriors Home
14 as set forth in **Exhibit A**.
- 15 B. The Navajo Nation hereby also approves the “Navajo Warrior Home Expenditure
16 Plan” as set forth in **Exhibit A**.
- 17 C. The Sihasin Funds allocated for the “Navajo Warrior Home Expenditure Plan” may be
18 further leveraged by bond or loan financing pursuant to the Navajo Nation Bond
19 Financing Act (12 N.N.C. §1300 *et seq.*, as amended) using Sihasin Fund earnings for
20 repayment and financing costs, upon approval of the Budget and Finance Committee
21 and further approval by a two-thirds (2/3) vote of all members of the Navajo Nation
22 Council.

23

24 **SECTION FOUR. APPROVAL OF EXPENDITURE PLAN ADMINISTRATION**

25 The Navajo Nation hereby approves the implementation and administration of the “Navajo
26 Warriors Home Expenditure Plan” as follows:

- 27 A. The Navajo Nation Controller shall determine whether the source of the \$29,216,453
28 approved herein will be Sihasin Fund Principal or Sihasin Fund Income, or a
29 combination of both.
- 30 B. The Sihasin funding for the “Navajo Warrior Home Expenditure Plan” shall be

1 disbursed to Navajoland Nursing Home, Inc. ("Navajoland") pursuant to a grant
2 agreement, Memorandum of Agreement, or other form of agreement approved by the
3 Navajo Nation Department of Justice ("NNDOJ"). The \$14,203,000 for Construction
4 Costs and \$6,765,082 for Project Management/Utility Costs set forth in the
5 Expenditure Plan shall be released to Navajoland pursuant to a drawdown schedule
6 approved by the Office of the Controller and included in the agreement approved by
7 NNDOJ. The Start-up Service Delivery Costs of \$3,200,000 shall be included in the
8 agreement approved by NNDOJ and released to Navajoland when seventy-five percent
9 (75%) of the Navajo Warrior Home has been constructed.

- 10 C. Navajoland shall be responsible for operating the Navajo Warrior Home in accordance
11 with **Exhibit A** until such time as Navajoland no longer wishes to be responsible for
12 operations and a long-term operator, including the Navajo Department of Health
13 ("NDOH"), has been vetted and recommended by NDOH. Any new operator shall be
14 approved by the Health Education and Social Services Committee or their predecessor.
- 15 D. NDOH shall provide Administrative Oversight, where necessary, for the Navajo
16 Warrior Home Expenditure Plan. Navajoland shall fully cooperate with NDOH.
- 17 E. The Síhasin funding approved herein shall be used solely to design, plan, construct,
18 and operate the Navajo Warrior Home as set forth in **Exhibit A**. The Síhasin funding
19 can be moved between **Exhibit A** categories (Construction, Project
20 Management/Utility Costs, and Start-up Service Delivery Costs) with the approval of
21 the Health Education and Human Services Committee.
- 22 F. Any and all savings of funds shall be returned to the Síhasin Fund Principal once the
23 Navajo Warrior Home is complete and in operation for three hundred sixty-five days
24 (one year).
- 25 G. The Síhasin funding allocated for the Navajo Warrior Home shall not lapse on an
26 annual basis pursuant to 12 N.N.C. §820(N); however, any Síhasin funds not spent or
27 encumbered within thirty-six (36) months of the date that funds are provided to
28 Navajoland shall revert to the Síhasin Fund Principal, unless otherwise approved by
29 both the Health Education and Human Services and the Naabik'íyáti' Committees of
30 the Navajo Nation Council.

1
2 **SECTION FIVE. REPORTING AND AUDITING**

3 A. At the end of each fiscal year quarter, Navajoland shall provide a written report (with
4 an oral presentation, if requested) to the Office of the President and Vice-President, the
5 Health Education and Human Services Committee, and the Naabik'iyáti' Committee
6 explaining the current status of all activities pursuant to the Navajo Warriors Home
7 Expenditure Plan.

8 B. The Sihasín Fund and the Navajo Warriors Home Expenditure Plan shall be included
9 in the Nation's annual financial audit. Navajoland shall fully cooperate with the
10 Nation's independent auditors and the Office of the Controller during the audit process.
11

12 **SECTION SIX. EFFECTIVE DATE**

13 This legislation and the Navajo Warriors Home Expenditure Plan approved herein shall
14 become effective pursuant to 12 N.N.C. §2505.
15

16 **SECTION SEVEN. SAVINGS CLAUSE**

17 If any provision of this legislation is determined invalid by the Supreme Court of the
18 Navajo Nation or by any Navajo Nation District Court, without appeal to the Navajo Nation
19 Supreme Court, the remainder of this legislation shall remain valid as the law of the Navajo
20 Nation.
21

22 **SECTION EIGHT. DIRECTIVES**

23 When eligible, the Sihasin Fund shall be reimbursed, in whole or part, for the amounts
24 allocated in this legislation from prospective funds available to the Navajo Nation from
25 any and all state and federal sources, including additional Congressional appropriations
26 under the American Rescue Plan Act of 2021 or similar federal legislations.
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