

LEGISLATIVE SUMMARY SHEET

Tracking No. 0020-17

DATE: January 9, 2017

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH EDUCATION AND HUMAN SERVICES, BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; ADOPTING THE SÍHASIN FUND SENIOR CITIZENS EXPENDITURE PLAN PURSUANT TO CD-68-14 AND 12 N.N.C §§ 2501 – 2508

PURPOSE: This resolution, if approved, will approve the Senior Citizens expenditure plan for funding to the Navajo Nation Trust Fund for Senior Citizens Services for grants to supplement Navajo Nation government and non-Navajo government projects for opportunities provide services to Navajo senior citizens.

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: 1 day
Website Posting Time/Date: 5:22pm 1/14/17
Posting End Date: 1/15/2017
Eligible for Action: 1/14/2017

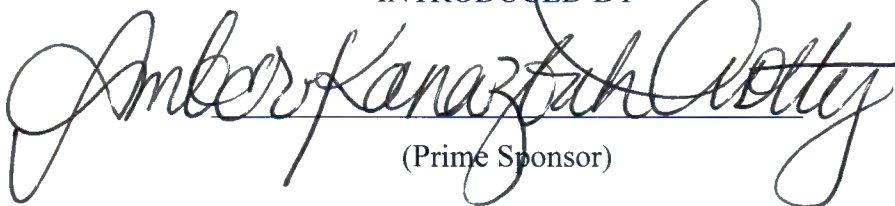
Health, Education & Human Services Committee
- THENCE
Budget & Finance Committee
THENCE

Naa'bik'íyáti' Committee
THENCE

Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
23rd NAVAJO NATION COUNCIL – Third Year, 2017

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0020-17

AN ACTION

RELATING TO HEALTH EDUCATION AND HUMAN SERVICES, BUDGET AND
FINANCE AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION
COUNCIL; ADOPTING THE SÍHASIN FUND SENIOR CITIZENS EXPENDITURE
PLAN PURSUANT TO CD-68-14 AND 12 N.N.C §§ 2501 – 2508

BE IT ENACTED:

Section One. Authority

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102 (A).
- B. The Naabik'iyati' Committee of the Navajo Nation Council is empowered to review all proposed legislation which requires final action by the Navajo Nation Council. 2 N.N.C. §164(A)(9).
- C. The Budget and Finance Committee of the Navajo Nation Council is empowered to review and recommend to the Navajo Nation Council the budgeting, appropriation, investment, and management of all funds. 2 N.N.C. § 301 (B) (2).
- D. The Health Education and Human Services Committee of the Navajo Nation Council is empowered to exercise legislative oversight on matters involving health, social service, education, general governmental services and human services and to review and recommend resolutions relating to social services, health, environmental health and education. 2 N.N.C. §§ 400 (C)(1) and 401 (B)(6)(a).

1
2 **Section Two. Findings**

- 3 A. On May 30, 2014, the 22nd Navajo Nation Council adopted Resolution No. CMY-28-
4 14 accepting a settlement of the Navajo Nation's lawsuit, *Navajo Nation v. United*
5 *States*, No. 06-945L (United States Court of Federal Claims) against the United States
6 for its historical mismanagement of the tribe's trust assets and its failure to ensure that
7 the Navajo Nation received all funds due and owed under the United States' trust
8 obligations and fiduciary duties. Resolution No. CMY-28-14 was signed into law by
9 the President of the Navajo Nation on June 4, 2014.
- 10 B. The 22nd Navajo Nation Council recognized that during the many decades that the
11 United States was in breach of its trust obligations and fiduciary duties to the
12 Nation, the tribal government was without funds to develop the comprehensive
13 nation-wide infrastructures necessary to support and promote community growth
14 and sustainability through the expansion of economic development, as well as to
15 provide the educational opportunities, critical for the prosperity of current and
16 future generations of Diné. See Resolution No. CMY-28-14.
- 17 C. Between October 6, 2014 and November 8, 2014 the Office of the Speaker held
18 seven (7) Public Hearings, as directed by the Navajo Nation Council's Naabik'iyati'
19 Committee on July 10, 2014, to receive input from Navajo Nation members on how
20 the net proceeds from *Navajo Nation v. United States*' should be used. During that
21 same time period, the Office of the President & Vice-President also held five (5)
22 town hall meetings for a similar purpose.
- 23 D. On December 13, 2014, the 22nd Navajo Nation Council adopted Resolution No.
24 CD-68-14 enacting the Navajo Nation Breach of Trust Settlement Act of 2014
25 (hereinafter "2014 Act") and establishing the Navajo Nation Síhasin Fund at 12
26 N.N.C. § 2501 et seq. The President of the Navajo Nation signed Resolution No.
27 CD-68-14 into law on December 31, 2014.
- 28 E. The 2014 Act mandated that the net proceeds and earnings thereon received by the
29 Navajo Nation from the settlement of *Navajo Nation v. United States*, No. 06-945L,
30 and that, when duly designated, the net proceeds of settlements or judgement

1 awards of other litigation(s) brought against the United States concerning its failure
2 to ensure that the Navajo Nation received all funds due and owing under the United
3 States' trust obligations and fiduciary duties, be deposited into the Síhasin Fund and
4 managed and invested to provide financial support and/or financing for (1) the
5 planning and development of regional infrastructure supporting economic and
6 community development, including housing, within the Navajo Nation; and/or (2)
7 education opportunities for members of the Navajo Nation. See 12 N.N.C § 2501
8 and § 2502 (A).

9 F. The 2014 Act also established that “leveraging of the [Síhasin] Fund by way of
10 guaranteeing loans, match funding, direct funding in part and other weighted uses
11 of the Fund shall be favored over direct funding in whole”. 12 N.N.C § 2502 (B).

12 G. The 2014 Act further established that with the exception of outstanding and accrued
13 litigation costs, Síhasin Fund Principal and Income shall only be expended pursuant
14 to a Fund Expenditure Plan consistent with the purposes set forth in the 2014 Act at
15 12 N.N.C. §2502 and adopted by a two-thirds (2/3) vote of all members of the
16 Navajo Nation Council. See 12 N.N.C. § 2505 (A).

17 H. The 2014 Act states that “Fund Principal” shall consist of all deposits made to the
18 Síhasin Fund and that “Fund Income” shall consist of all earnings (interest,
19 dividends, etc.) generated and realized by the Fund Principal and that Fund Income
20 shall be deposited in and added to Fund Principal until such time as a Fund
21 Expenditure Plan is duly adopted. See 12 N.N.C. §§ 2504 and 2505 (c).

22 I. The Office of the Controller reported that as of January 1, 2016, the amount of the
23 Síhasin Fund Principal is Four Hundred Eighty Seven million Nine Hundred Ninety
24 Thousand Eight Hundred Forty One Dollars and Ninety One Cents
25 (\$487,990,841.91) with interest earnings of Four Hundred Fifty Eight Thousand
26 Four Hundred Thirty One Dollars and Seventy Five Cents (\$458,431.75).

27 J. On April 9, 2015, the Naabik'íyáti' Committee adopted NABIAP-20-15
28 establishing the Naabik'íyáti' Síhasin Fund Subcommittee to “review and evaluate
29 the Public Hearing comments and recommendations from the Navajo People” and
30 “recommend to the Naabik'íyáti' Committee and Navajo Nation Council financial

1 support and/or financing plan(s) for the purposes designated in CD-68-14 [Navajo
2 Nation Breach of Trust Settlement Act of 2014, establishing the Síhasin Fund]”.

3 K. Between April 2015 and December 2016, the Síhasin Fund Subcommittee, assisted
4 by the Office of Legislative Services, Office of the Speaker, and Office of
5 Legislative Counsel, met on at least twenty-five (25) occasions in either work
6 sessions or official meetings to review and evaluate the Public Hearing comments
7 and recommendations from the Navajo People; hear proposals from Navajo Nation
8 entities, chapters, programs and officials; and develop an expenditure plan(s) for the
9 Síhasin Fund Principal and Income consistent with the purposes set forth in the
10 2014 Act.

11 L. The Síhasin Fund Subcommittee determined that for an expenditure plan to fully
12 meet the leveraging criteria of the 2014 Act, the expenditure plan shall not rely on
13 Síhasin Funds for full direct project funding, unless such funds are to be repaid
14 under a loan agreement, and instead must utilize the Síhasin Funds for (1) match
15 funding, joint funding, contribution funding, cost-share funding or similar weighted
16 uses of the funds; (2) reimbursement funding; and/or (3) loan or bond financing or
17 guarantee.

18 M. The Síhasin Fund Subcommittee also determined that the 2014 Act allowed for the
19 adoption of multiple expenditure plans and that it would be prudent for the Navajo
20 Nation to adopt integrated, yet distinct, expenditure plans for regional-level
21 infrastructure planning and development in four broad infrastructure areas or
22 categories consistent with the purposes of the 2014 Act: Water and Natural
23 Resource Infrastructure Development; Economic Development; Community
24 Development; and Housing Development.

25 N. After reviewing the comments submitted during the Public Hearings and town hall
26 meetings, as well as the reports and comments made during the Síhasin Fund
27 Subcommittee meetings, the Subcommittee determined that the Navajo people were
28 supportive of community development allocations for human services, including
29 but not limited to support for Senior Citizens.
30

- 1 O. In addition, the Eastern Navajo Council on Aging , representing twenty (20)
2 chapters, as well as the Toadlena/Two Grey Hills and Pine Dale Chapters, adopted
3 resolutions, attached as Exhibit A, supporting the allocation of Síhasin Funds for
4 projects and services for Senior Citizens.
- 5 P. In 1986, the Navajo Nation established the Navajo Nation Trust Fund for Senior
6 Citizen Services, 12 N.N.C. §§ 1121-1128, wherein “95% of the Fund income shall
7 be used as Navajo Nation grants to supplement Navajo Nation government and non-
8 Navajo Nation government programs and projects that provide services to Navajo
9 senior (elderly) citizens.” 12 N.N.C. § 1125(A).
- 10 Q. The Síhasin Fund Subcommittee has determined that Síhasin Funds could lawfully
11 be added to the Navajo Nation Trust Fund for Senior Citizen Services if the interest
12 earnings (Fund income) derived from the added Síhasin Funds were segregated and
13 only expended for (a) projects that meet the requirements of the Síhasin Fund
14 purposes, i.e., the planning and development of regional infrastructure supporting
15 economic and community development, including housing, within the Navajo
16 Nation; and (b) projects that leverage Síhasin Funds with other funds, such as, but
17 not limited to, federal and state funding for Senior Citizens, Medicaid and
18 Medicare, private insurance, Navajo Nation Trust Fund for Senior Citizen Services
19 non-Síhasin Fund-derived income, etc.
- 20 R. Per its mission statement, “the Navajo Area Agency on Aging (NAAA) ensures that
21 elders living on the Navajo Nation receive all available benefits and services to
22 which they are entitled, and that these services are provided in a manner which
23 preserves their dignity, self-respect and cultural identity.” [www.naaa.navajo-](http://www.naaa.navajonnsn.gov)
24 [nsn.gov](http://www.naaa.navajonnsn.gov).
- 25 S. The Navajo Area Agency on Aging was established pursuant to the federal Older
26 Americans Act which intends that the area agency on aging shall be the leader
27 relative to all aging issues on behalf of all older persons in the planning and service
28 area. This means that the area agency shall proactively carry out a wide range of
29 functions related to advocacy, planning, coordination, inter-agency linkages,
30 information sharing, brokering, monitoring and evaluation, designed to lead to the

1 development or enhancement of comprehensive and coordinated community based
2 systems in, or serving, each community in the planning and service area. These
3 systems shall be designed to assist older persons in leading independent,
4 meaningful and dignified lives in their own homes and communities as long as
5 possible. 45 CFR 1321.53, *see also* www.naaa.navajo-nsn.gov.

6 T. Given its mission, the Síhasin Fund Subcommittee determined that the Navajo Area
7 Agency on Aging, within the Navajo Nation Department of Health has the expertise
8 to recommend and administer the expenditure of Síhasin Funds for the benefit of
9 Senior Citizens consistent with the purposes and leveraging requirements set forth
10 in 12 N.N.C. § 2502 pursuant to an annual plan adopted by the Health Education
11 and Human Services Committee.

12 U. The Síhasin Fund Subcommittee has also determined that allocating and adding ten
13 million dollars (\$10,000,000.00) of Síhasin Funds to the Navajo Nation Trust Fund
14 for Senior Citizens Services for the purposes of the planning and development of
15 regional infrastructure supporting economic and community development,
16 including housing, *specifically for Senior Citizens* within the Navajo Nation is
17 within the purposes of the 2014 Act.

18 V. The Síhasin Fund Subcommittee additionally determined that it was in the best
19 long-term interest of the Navajo Nation and the Navajo people to provide financial
20 support for Senior Citizens and recommends to the Navajo Nation Standing
21 Committees and the Navajo Nation Council that ten million dollars
22 (\$10,000,000.00) of Síhasin Funds be allocated for and added to the Navajo Nation
23 Trust Fund for Senior Citizens Services as the Síhasin Fund Senior Citizens
24 Expenditure Plan, as set forth in sections Three and Four below, under section 2505
25 of the 2014 Act.

26 W. After considering the recommendations of the Síhasin Fund Subcommittee, the
27 Navajo Nation Council hereby determines that the Síhasin Fund Senior Citizens
28 Expenditure Plan fits within the priorities established under the July 20, 2015 One
29 Nation, One Voice Navajo Nation Three Branch Agreement and that it is in the best
30 interests of Navajo elders and their families, as well as in the best interests of

1 economic and community development, including housing, within the Navajo
2 Nation to fund the Síhasin Fund Senior Citizens Expenditure Plan, as set forth in
3 sections Three and Four below.
4

5 **Section Three. Approval and Adoption of Expenditure Plan**

- 6 A. The Navajo Nation hereby approves and adopts the Síhasin Fund Senior Citizens
7 Expenditure Plan wherein ten million dollars (\$10,000,000.00) of Síhasin Funds
8 will be transferred to and deposited in the Navajo Nation Trust Fund for Senior
9 Citizens Services during Navajo Nation Fiscal Year 2017.
- 10 B. The Navajo Nation hereby approves and adopts that each year 95% of the Fund
11 income attributable to the Síhasin Funds deposited in the Nation Trust Fund for
12 Senior Citizens Services shall be used as Navajo Nation grants to supplement
13 Navajo Nation government and non-Navajo Nation government projects that
14 provide services to Navajo Senior Citizens specifically for the purpose of planning
15 and development of regional infrastructure supporting economic and community
16 development, including housing, within the Navajo Nation.
- 17 C. The Navajo Nation hereby approves and adopts that interest earnings or income
18 attributable to the Síhasin Funds deposited in the Nation Trust Fund for Senior
19 Citizens Services shall be leveraged by way of match funding, direct funding in part
20 and/or other weighted or supplemental uses and shall be not used as direct funding
21 in whole for any project.
- 22 D. The Síhasin Funds allocated for the Síhasin Fund Senior Citizens Expenditure Plan
23 may be further leveraged by bond or loan financing pursuant to the Navajo Nation
24 Bond Financing Act, 12 N.N.C. § 1300 et seq., as amended, using other Síhasin
25 Fund Earnings for repayment and financing costs upon the recommendation of the
26 Budget & Finance Committee and approval by a two-thirds (2/3) vote of all
27 members of the Navajo Nation Council.

28
29 **Section Four. Approval and Adoption of Expenditure Plan Administration**
30

1 A. The Navajo Nation hereby approves administration of the Síhasin Fund Senior
2 Citizens Expenditure Plan as follows:

- 3 1. The Navajo Nation Controller shall determine whether the source of the
4 allocated ten million dollars (\$10,000,000.00) will be Síhasin Fund Principal or
5 Income or a combination of both;
- 6 2. The Síhasin Fund transferred to the Navajo Nation Trust Fund for Senior
7 Citizens Services shall be invested and managed consistent with the Navajo
8 Nation Trust Fund for Senior Citizens Services statute, 12 N.N.C. §§ 1121-
9 1128, but the interest earnings or income from such Síhasin Funds shall be
10 segregated and may only be expended for projects that meet *all* the
11 requirements of 12 N.N.C. § 2502.
- 12 3. The interest earnings or income from Síhasin Funds in the Navajo Nation Trust
13 Fund for Senior Citizens Services shall only be expended pursuant to an annual
14 plan developed and recommended by the Navajo Area on Agency, within the
15 Navajo Nation Department of Health and adopted by the Health Education and
16 Human Services Committee of the Navajo Nation Council.
- 17 4. The Navajo Area Agency on Aging shall account for and be held accountable
18 for the expenditure of interest earnings and income attributable to the Síhasin
19 Funds with such expenditures audited on an annual basis by either an
20 independent auditor or the Office of the Auditor General with such audit report
21 submitted to the Health Education and Human Services Committee,
22 Naabik'íyáti' Committee, Office of the Controller, and Office of the President
23 and Vice-President.

24 B. The Navajo Area Agency on Aging shall report the status of all projects funded by
25 interest earnings and income attributable to the Síhasin Funds to the Naabik'íyáti'
26 Committee and Office of the President and Vice-President on a quarterly basis.
27

28 **Section Five. Effective Date**

29 The Síhasin Fund Senior Citizens Expenditure Plan, as set forth above, shall become
30 effective pursuant to 12 N.N.C. § 2505.

1
2 **Section Six. Directives**

3 A. All Navajo Nation programs, specifically including, but not limited to, the Navajo
4 Area Agency on Aging, Navajo Nation Department of Health, Office of Controller,
5 and Office of Management & Budget, shall take all steps necessary to expeditiously
6 implement the Síhasin Fund Senior Citizens Expenditure Plan consistent with the
7 provisions set forth above.

8 B. Navajo Nation programs named in this legislation shall be held accountable for the
9 progress of tasks under their responsibility and control and shall report on a semi-
10 annual basis to the Naabik'íyáti' Committee on the progress of their respective
11 tasks.



TOADLENA / TWO GREY HILLS CHAPTER

P.O. Box 7894, Newcomb, New Mexico 87455 • Phone 505-789-3100 • Fax 505-789-3101

"HOME OF THE FAMOUS TWO GREY HILLS RUGS"

EXHIBIT

A

**RESOLUTION
TDLA/TGH-16-05-18-12**

**SUPPORTING AND RECOMMENDING THE NAVAJO NATION COUNCIL TO
ALLOCATE TEN MILLION DOLLARS (\$10,000,000.00) FROM THE SIHASIN FUND
FROM THE SIHASIN FUND TO THE NAVAJO NATION SENIOR CITIZEN TRUST FUND**

WHEREAS:

1. **Toadlena/Two Grey Hills Chapter** is a certified Chapter that is recognized by the Navajo Nation Council pursuant to 26 N.N.C. Section 3 and pursuant to 11 N.N.C. Part 1 Section 10, the Navajo Nation Council adopted the Navajo Nation Local Government Act which directs local Chapters to promote all matters that affect the local community members and to make appropriate decisions, recommendations, and advocate on their behalf; AND
2. The **Toadlena/Two Grey Hills Chapter** finds on December 29, 2006 the Navajo Nation filed suit against the United States in the U.S. Court of Federal Claims seeking monetary damages from the federal government for its mismanagement of tribal trust fund assets and resources dating back as early as 1946; AND
3. The **Toadlena/Two Grey Hills Chapter** finds on May 30, 2014 the 22nd Navajo Nation Council formally accepts the settlement offer of \$554 Million by adopting Resolution No. CMY-28-14, which was signed into law by the President on June 4, 2014; AND
4. The **Toadlena/Two Grey Hills Chapter** finds the Office of the Speaker conducted a total of seven public hearings in 2014 to gain input and recommendations as to how the settlement award should be used and/or invest to best serve the needs of the Navajo Nation. The Navajo Nation people overwhelmingly requested allocations in the area of Capital Improvement, Infrastructure/Roads, Education and Human Services; AND
5. The **Toadlena/Two Grey Hills Chapter** finds The Office of the Controller reported that as of January 1, 2016, the amount of the Sihasin Fund Principal is Four Hundred Eighty Seven Million Nine Hundred Ninety Thousand Eight Hundred Forty One Dollars and Ninety One Cents (\$487,990,841.91) with interest earnings of Four Hundred Fifty Eight Thousand Four Hundred Thirty One Dollars and Seventy Five Cents (\$458,431.75); AND

Stanley Hardy
President



Andrew Deschenie
Vice-President



Lolita Spencer
Secretary / Treasurer



Derry Lewis
Grazing Officer



Amber K. Crotty
Council Delegate

6. The **Toadlena/Two Grey Hills Chapter** recognizes any use or allocation of the funds requires legislative action and approval by the Navajo Nation Council; AND
7. The **Toadlena/Two Grey Hills Chapter** respectful request the Navajo Nation Council to allocate Ten Million Dollars (\$10,000,000.00) to the Navajo Nation Senior Citizen Trust Fund. The Navajo Nation Senior Citizen Trust Fund assist with the purchase of hearing aids, dentures, accessibility ramps and instruments.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The **Toadlena/Two Grey Hills Chapter**, hereby supports the allocation to the Navajo Nation Senior Citizen Trust Fund assist with the purchase of hearing aids, dentures, accessibility ramps and instruments.
2. The **Toadlena/Two Grey Hills Chapter** values and cherished our Senior Citizens. Our grandmothers and Grandfathers are National Treasures who deserve the respect and honor of receiving quality of life enhancements.

CERTIFICATION

We here by certify that this forgoing resolution was duly considered by the Toadlena/Two Grey Hills Chapter Membership at a duly called meeting in Two Grey Hills, New Mexico (Navajo Nation) at which a quorum was present and that an approval was passed with a vote of 23 in Favor, 0 Opposed and 1 Abstained on this 18th day of May, 2016.

Motion by: Patrick Taylor

Seconded by: David Curley

Stanley Hardy
Stanley Hardy, President

Andrew Deschenie
Andrew Deschenie, Vice-President

Lolita Spencer
Lolita Spencer, Secretary-Treasurer

Derry Lewis
Derry Lewis, Grazing Official

Amber K. Crotty
Amber K. Crotty, Council Delegate

**IN SUPPORT OF AND REQUESTING THE NAVAJO NATION COUNCIL TO ALLOCATE TEN MILLION
DOLLARS FROM SISHSIN FUNDS TO THE NAVAJO CITIZEN TRUST FUND FOR MUCH NEEDED
INTENTIONS**

WHEREAS;

1. The Pine Dale Chapter is one of the 110 Navajo Nation Chapters officially given certain powers to address community needs; and
2. The Pine Dale has been following the Navajo Nation Court Activities with the United States Government U.S. Court of Claims seeking monetary damaging settlement during late December, 2008, re: mismanaging of Tribal Trust Fund since about 1946 as records indicated; and
3. After constant Navajo Nation involvement with U.S. Claims Courts, the courts awarded the Navajo Nation \$554 million in May 2014, for damages in mismanagement claims of Tribal Trust Funds Settlement; and
4. the Navajo Nation Council Speaker conducted public hearing after the acceptance of the monetary award, outcome of the Speaker's Public Hearing is pre Navajo people, fitting for improvements of Infrastructures/Roads, Education and Human Services; and
5. After certain payments of the \$554 million, with the balance of \$487,841.91 supplement by interest earnings of \$458,431.75, total amount rests with the Navajo Nation Council to allocate funds as time allows; and
6. The Pine Dale's awareness of the avenues towards the awarded funds requires legislative action and approval by the Navajo Nation Council for allocation or used of funds; and

NOW, THEREFORE, BE IT RESOLVE;

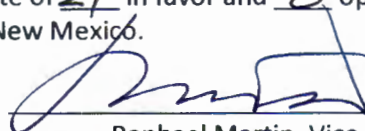
1. In support the Pine Dale Community and o behalf Eastern Navajo Agency Senior Citizens in respectfully requesting the Navajo Nation Council to allocate (earmark) Ten Million Dollars to Navajo Nation Trust Fund Account that will purchase Hearing Aids, dentures, accessibilities ramps and other needs for Navajo Nation Seniors Citizens; and
2. Further; the Pine Dale Chapter believes this important funding action will be in correct approach to phase in fit into the new development of Department of Navajo Health, under the Navajo Area Agency on Aging (NAAA) Activities;; and

CERTIFICATION

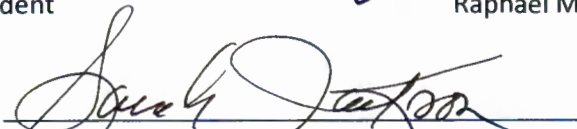
It is hereby certify that this foregoing resolution was duly discussed at a duly chapter meeting, with a quorum present, the same was passed by a vote of 21 in favor and 0 opposed, 6 abstained, this 24th day of June, 2016, at Pine Dale, New Mexico.



Willie Norton, President



Raphael Martin, Vice-President


Sarah B. Jackson, Secretary

RESOLUTION OF EASTERN NAVAJO COUNCIL ON AGING

IN FULL SUPPORT OF THE NAVAJO COUNCIL ON AGING SEEKING TRUST FUND ESTABLISHMENTS TO PROVIDE ASSISTANCE TO NAVAJOS ON NAVAJO NATION IN NEED

WHEREAS:

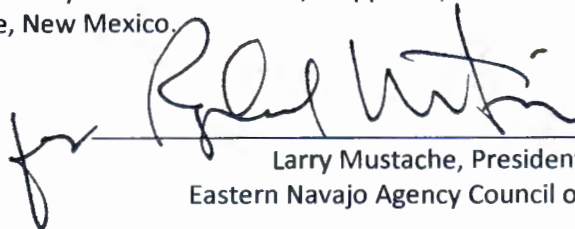
1. The Eastern Navajo Agency Council on Aging representing 20 of 31 chapters, whom operated local Senior Citizen Centers giving elder services in Eastern Navajo Communities, receiving funds from the New Mexico State Funds, Navajo Nation funds with getting funds for Foster Grand Parent Program;
2. ENA-COA is in much need for funds to cover multiple needs for the Agency Seniors, and with the high numbers of our Agency youth needing many services, hindrance boils down to lacking funds; and
3. The ENA-COA highly supports the current plans of identified items to stand up trust funds for the Senior Citizens, Youth Enrichment and Handicap people and Individuals in need; and

NOW, THEREFORE, BE IT, RESOLVE:

1. The Eastern Navajo Agency on Aging Council on Aging hereby fully Supports the requesting Navajo Nation Council to create Trust Funds for Senior Citizens, Youth Enrichments and Handicap as Resolution approved by the Navajo Council on Aging, NAAA, under the Department of Health in means to help ease the life's of whose in need; and
2. ENA-SOC, further, supports the Pine Dale Chapter Resolutions supporting the three (3) Trust Funds establishments, again, expressing the needs for funds for such projects lacking funds; and

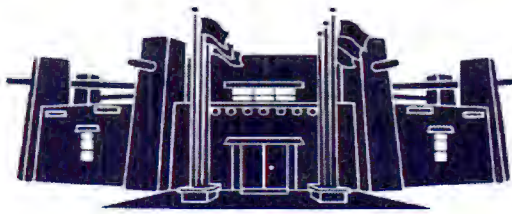
CERTIFICATION

It is hereby certify that this foregoing resolution was duly discussed at a duly called ENA Council on Aging Meeting at WhiteHorse Lake Senior Citizen Center, with a quorum present, this resolution of Support was passed by vote of 12 in favor, 0 opposed, one abstained, this 11th day of July, 2016, at WhiteHorse Lake, New Mexico.




Larry Mustache, President
Eastern Navajo Agency Council on Aging

Motioned by: Emerson Nez, Baca Senior Citizen Center
2nd by : Marjorie Brown, Thoreau Senior Citizen Center



MEMORANDUM

TO: Hon. Amber Crotty
23rd Navajo Nation Council

FROM: 
Levon B. Henry, Chief Legislative Counsel
Office of Legislative Counsel

DATE: January 9, 2017

SUBJECT: AN ACTION RELATING TO HEALTH EDUCATION AND HUMAN SERVICES, BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; ADOPTING THE SÍHASIN FUND SENIOR CITIZENS EXPENDITURE PLAN PURSUANT TO CD-68-14 AND 12 N.N.C §§ 2501 – 2508

Pursuant to your request, attached is the above-referenced proposed resolution and associated legislative summary sheet. Based on existing law, the resolution as drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of a challenge.

The Office of Legislative Council confirms the appropriate standing committee(s) reviews based on the standing committees powers outlined in 2 N.N.C. §§ 301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. § 164(A)(5).

Please review the proposed resolution to ensure it is drafted to your satisfaction. If this proposed resolution is acceptable to you, please sign it where it indicates "Prime Sponsor", and submit it to the Office of Legislative Services for the assignment of a tracking number and referral to the Speaker.

If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of changes you would like made to the proposed resolution. You may contact me at (928) 871-7166. Thank you.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0020-16__

SPONSOR: Amber Crotty

**TITLE: An Action Relating To Health, Education And Human Services, Budget
And Finance And NAABIK'IYATI' Committees And Navajo Nation
Council; Adopting The Sihasin Fund Senior Citizens Expenditure Plan
Pursuant To CD-68-14 And 12 N.N.C. §§ 2501 - 2508**

Date posted: January 10, 2017 at 5:12 PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0020-17

SPONSOR: Honorable Amber K. Crotty

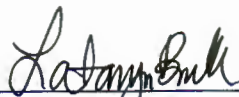
TITLE: : An Action Relating To Health, Education And Human Services, Budget And Finance And NAABIK'IYATI' Committees And Navajo Nation Council; Adopting The Sihasin Fund Senior Citizens Expenditure Plan Pursuant To CD-68-14 And 12 N.N.C. §§ 2501 – 2508

Posted: January 10, 2017 at 5:12 PM

5 DAY Comment Period Ended: January 15, 2017

Digital Comments received:

| | |
|----------------------------|-------------|
| Comments Supporting | <i>None</i> |
| Comments Opposing | <i>None</i> |
| Inclusive Comments | <i>None</i> |



**Policy Analyst
Office of Legislative Services**

1/17/17 8:00am
Date/Time

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0020-17

SPONSOR: Honorable Amber K. Crotty

TITLE: : An Action Relating To Health, Education And Human Services, Budget And Finance And NAABIK'IYATI' Committees And Navajo Nation Council; Adopting The Sihasin Fund Senior Citizens Expenditure Plan Pursuant To CD-68-14 And 12 N.N.C. §§ 2501 – 2508

Posted: January 10, 2017 at 5:12 PM

5 DAY Comment Period Ended: January 15, 2017

Digital Comments received:

| | |
|----------------------------|--|
| Comments Supporting | <i>1. NNAC-32-061816 (Northern Navajo Agency Council Resolution)</i> |
| Comments Opposing | <i>None</i> |
| Inclusive Comments | <i>None</i> |


Policy Analyst
Office of Legislative Services

2/10/17 3:36pm
Date/Time



NORTHERN NAVAJO AGENCY COUNCIL RESOLUTION

NNAC-32-061816

**SUPPORTING AND RECOMMENDING THE NAVAJO NATION COUNCIL TO ALLOCATE ONE
HUNDRED MILLION DOLLARS (\$100,000,000.00) FROM THE SIHASIN FUND FROM THE
SIHASIN FUND TO THE NAVAJO NATION SENIOR CITIZEN TRUST FUND**

WHEREAS:

1. The Northern Navajo Agency Council is a recognized political subdivision of the Navajo Nation and has the authority to advocate and make appropriate recommendations on behalf of the 20 Northern Navajo Agency Chapters to the Navajo Nation Government, Federal, State, and local entities for appropriate action: and
2. The Northern Agency finds on December 29, 2006 the Navajo Nation filed suit against the United States in the U.S. Court of Federal Claims seeking monetary damages from the federal government for its mismanagement of tribal trust fund assets and resources dating back as early as 1946; and
3. The Northern Agency finds on May 30, 2014 the 22nd Navajo Nation Council formally accepts the settlement offer of \$554 Million by adopting Resolution No. CMY-28-14, which was signed into law by the President on June 4, 2014; and
4. The Northern Agency finds the Office of the Speaker conducted a total of seven public hearings in 2014 to gain input and recommendations as to how the settlement award should be used and/or invest to best serve the needs of the Navajo Nation. The Navajo Nation people overwhelming requested allocations in the area of Capital Improvement, Infrastructure/Roads, Education and Human Services; and
5. The Northern Agency finds The Office of the Controller reported that as of January 1, 2016, the amount of the Sihasin Fund Principal is Four Hundred Eighty Seven Million Nine Hundred Ninety Thousand Eight Hundred Forty One Dollars and Ninety One Cents (\$487,990,841.91) with interest earnings of Four Hundred Fifty Eight Thousand Four Hundred Thirty One Dollars and Seventy Five Cents (\$458,431.75); and
6. The Northern Agency recognizes any use or allocation of the funds requires legislative action and approval by the Navajo Nation Council; and
7. The Northern Agency respectful request the Navajo Nation Council to allocate One Hundred Million Dollars (\$100,000,000.00) to the Navajo Nation Senior Citizen Trust Fund. The Navajo Nation Senior Citizen Trust Fund assist with the purchase of hearing aids, dentures, accessibility ramps and instruments.


NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Northern Agency, hereby supports the allocation to the Navajo Nation Senior Citizen Trust Fund assist with the purchase of hearing aids, dentures, accessibility ramps and instruments.
2. The Northern Agency values and cherished our Senior Citizens. Our grandmothers and Grandfathers are National Treasures who deserve the respect and honor of receiving quality of life enhancements.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the members of the Northern Navajo Agency Council at a duly called meeting at Whitehorse High School, Aneth, Utah, Navajo Nation, Utah at which a quorum was present and that the same was passed by a vote of 43 in favor, 00 opposed, and 01 abstained this **18th day of June 2016.**

Motioned by: James Benally


David John, Chairperson
Northern Navajo Agency Council

Seconded by: Sally Ann Joe

Committee Report

THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE NAVAJO
NATION COUNCIL to who has been assigned;

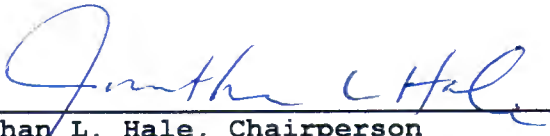
LEGISLATION NO. 0020-17

AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, BUDGET AND
FINANCE AND NAABIK'IYATI' COMMITTEES AND NAVAJO NATION COUNCIL;
ADOPTING THE SIHASIN FUND SENIOR CITIZENS EXPENDITURE PLAN PURSUANT TO
CD-68-14 AND 12 N.N.C. §§ 2501 - 2508

Sponsor: Honorable Amber Kanazbah Crotty

Has had under consideration and report the same with the
recommendation that Legislation 0020-17 PASS with no amendment and no
directive; And therefore referred the same to the BUDGET AND FINANCE
COMMITTEE OF THE NAVAJO NATION COUNCIL

Respectfully Submitted,



Jonathan L. Hale, Chairperson
Health, Education and Human Services Committee

Dated: January 17, 2017

Main Motion

Motion by: Honorable Nathaniel Brown

Seconded by: Honorable Peterson B. Yazzie

Vote: 4 in favor; 0 Opposed and 1 Abstain;

Chairperson Not Voting

23rd NAVAJO NATION COUNCIL

Third Year 2017

Mr. Speaker:

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

NAVAJO LEGISLATIVE BILL # 0020-17:

An Action Relating to Health Education and Human Services, Budget and Finance and Naabikiyati Committees and Navajo Nation Council; Adopting the Sihasin Fund Senior Citizens Expenditure Plan Pursuant to CD-68-14 and 12 N.N.C. §§ 2501-2508
Sponsored by Amber K. Crotty, Council Delegate

has had it under consideration and reports the same with the recommendation that It **Do NOT Pass** with 1 amendment:

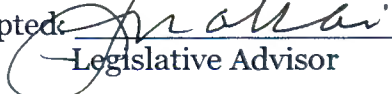
1. On Page 8, line(s) 12-16, strike the words "~~3. The interest earnings or income from Sihasin Fund in the Navajo Nation Trust Fund for Senior Citizens Services shall only be expended pursuant to an annual plan developed and recommended by the Navajo Area on Agency, within the Navajo Nation Department of Health and adopted the Health Education and Human Services Committee of the Navajo Nation Council.~~"
2. On Page 8 line 21, strike Health Education Human Services Committee replace with Budget and Finance Committee

And therefore, referred to the **NAABIKIYATI** Committee

Respectfully submitted,


Seth A. Damen, Chairman

Adopted: _____
Legislative Advisor

Not Adopted:  _____
Legislative Advisor

7 February 2017

The vote was **0** in favor **5** opposed

**23rd NAVAJO NATION COUNCIL
NAABIK'ÍYÁTI' COMMITTEE REPORT
Third Year 2017**

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

NAVAJO NATION LEGISLATION #0020-17

An Action Relating to Health, Education and Human Services, Budget and Finance and Naabik'íyáti' Committees and Navajo Nation Council; Adopting the Síhasin Fund Senior Citizens Expenditure Plan Pursuant to CD-68-14 and 12 N.N.C. §§ 2501-2508

SPONSOR: Honorable Amber K. Crotty

Has had it under consideration and reports the same **WAS PASSED AND REFERRED TO THE NAVAJO NATION COUNCIL** with *one amendment*.

Respectfully Submitted,



*Honorable LoRenzo C. Bates, Chairman
NAABIK'ÍYÁTI' COMMITTEE*

23 MARCH 2017

Amendment 1:

1. Page 8, Lines 12-16, insert as Paragraph 3: 3. The interest earnings or income from Síhasin Funds in the Navajo Nation Trust Fund for Senior Citizens Services shall only be expended pursuant to an annual plan developed and recommended by the Navajo Area on Aging, within the Navajo Nation Department of Health and adopted by the Health Education and Human Services Committee of the Navajo Nation Council.
2. Page 8, Line 21 insert the following language: "Health, Education and Human Services Committee, and"
3. Strike "~~Síhasin Fund Subcommittee~~" everywhere it occurs in the document and replace it with Navajo Nation Council.

4. Renumber or re-letter succeeding paragraphs or sections accordingly, if necessary; and this amendment shall supersede inconsistent language contained in any other committee amendment, which shall be conformed to the intent or language of this amendment. The Office of Legislative Services, with notice to the sponsor(s) of the Legislation, is hereby authorized to make necessary grammatical changes.

Motioned by: Honorable Raymond Smith, Jr.

Seconded by: Honorable Jonathan Perry

Vote: 08 in Favor, 07 Opposed (Chairman Bates Voted to break tie)

MAIN MOTION:

Motioned by: Honorable Jonathan L. Hale

Seconded by: Honorable Herman M. Daniels

Vote: 08 in Favor, 06 Opposed (Chairman Bates not voting)

5

23rd Navajo Nation Council

Naabik'iyati' Committee

DATE: March 23, 2017

Legislation 0020-17 (Amendment # 1)

Motion: Raymond Smith, Jr.

Second: Jonathan Perry

ALL DELEGATES:

| | Yea | Nay |
|----------------------|-----|-----|
| BATES, LoRenzo | | |
| BEGAY, Kee Allen Jr. | ✓ | |
| BEGAY, Norman M. | | |
| BEGAYE, Nelson | | ✓ |
| BENNETT, Benjamin L. | | |
| BROWN, Nathaniel | ✓ | |
| CHEE, Tom T. | ✓ | |
| CROTTY, Amber K. | ✓ | |
| DAMON, Seth | | |
| DANIELS, Herman | | ✓ |
| FILFRED, Davis | | |
| HALE, Jonathan L. | ✓ | |
| JACK, Lee Sr. | | ✓ |
| PERRY, Jonathan | ✓ | |
| PETE, Leonard H. | | |
| PHELPS, Walter | | ✓ |
| SHEPHERD, Alton Joe | | |
| SLIM, Tuchoney Jr. | | |
| SMITH, Raymond Jr. | ✓ | |
| TSO, Otto | | |
| TSOSIE, Leonard | | ✓ |
| WITHERSPOON, Dwight | | ✓ |
| YAZZIE, Edmund | | |
| YAZZIE, Peterson | | ✓ |

BY COMMITTEE:

| | Yea | Nay | TOTAL |
|----------------------|-----|-----|-------|
| BFC: | | | |
| CHEE, Tom T. | | | |
| DAMON, Seth | | | |
| JACK, Lee Sr. | | | |
| SLIM, Tuchoney Jr. | | | |
| WITHERSPOON, Dwight | | | |
| TSOSIE, Leonard | | | |
| HEHSC: | | | |
| BEGAY, Norman M. | | | |
| BEGAYE, Nelson | | | |
| BROWN, Nathaniel | | | |
| CROTTY, Amber K. | | | |
| HALE, Jonathan L. | | | |
| YAZZIE, Peterson | | | |
| LOC: | | | |
| BEGAY, Kee Allen Jr. | | | |
| DANIELS, Herman | | | |
| SMITH, Raymond Jr. | | | |
| TSO, Otto | | | |
| YAZZIE, Edmund | | | |
| RDC: | | | |
| BENNETT, Benjamin L. | | | |
| FILFRED, Davis | | | |
| PERRY, Jonathan | | | |
| PETE, Leonard H. | | | |
| PHELPS, Walter | | | |
| SHEPHERD, Alton Joe | | | |

SPEAKER:

BATES, LoRenzo

(Votes only in a tie)

GRAND TOTAL

7 7

CERTIFICATION:

Speaker 1
8 7

Honorable LoRenzo Bates
Speaker



23rd Navajo Nation Council
Naabik'iyati' Committee

DATE: March 23, 2017

Legislation 0020-17 (Main Motion)

Motion: Jonathan Hale
Second: Herman Daniels

ALL DELEGATES:

| | Yea | Nay |
|----------------------|-----|-----|
| BATES, LoRenzo | | |
| BEGAY, Kee Allen Jr. | ✓ | |
| BEGAY, Norman M. | | |
| BEGAYE, Nelson | | ✓ |
| BENNETT, Benjamin L. | | |
| BROWN, Nathaniel | ✓ | |
| CHEE, Tom T. | | ✓ |
| CROTTY, Amber K. | ✓ | |
| DAMON, Seth | | |
| DANIELS, Herman | ✓ | |
| FILFRED, Davis | | |
| HALE, Jonathan L. | ✓ | |
| JACK, Lee Sr. | | ✓ |
| PERRY, Jonathan | ✓ | |
| PETE, Leonard H. | | |
| PHELPS, Walter | | ✓ |
| SHEPHERD, Alton Joe | | |
| SLIM, Tuchoney Jr. | | |
| SMITH, Raymond Jr. | ✓ | |
| TSO, Otto | | |
| TSOSIE, Leonard | | ✓ |
| WITHERSPOON, Dwight | | ✓ |
| YAZZIE, Edmund | | |
| YAZZIE, Peterson | ✓ | |

BY COMMITTEE:

| | Yea | Nay | TOTAL |
|-----------------------|-----|-----|-------|
| BFC: | | | |
| CHEE, Tom T. | | | |
| DAMON, Seth | | | |
| JACK, Lee Sr. | | | |
| SLIM, Tuchoney Jr. | | | |
| WITHERSPOON, Dwight | | | |
| TSOSIE, Leonard | | | |
| HEHSC: | | | |
| BEGAY, Norman M. | | | |
| BEGAYE, Nelson | | | |
| BROWN, Nathaniel | | | |
| CROTTY, Amber K. | | | |
| HALE, Jonathan L. | | | |
| YAZZIE, Peterson | | | |
| LOC: | | | |
| BEGAY, Kee Allen Jr. | | | |
| DANIELS, Herman | | | |
| SMITH, Raymond Jr. | | | |
| TSO, Otto | | | |
| YAZZIE, Edmund | | | |
| RDC: | | | |
| BENNETT, Benjamin L. | | | |
| FILFRED, Davis | | | |
| PERRY, Jonathan | | | |
| PETE, Leonard H. | | | |
| PHELPS, Walter | | | |
| SHEPHERD, Alton Joe | | | |
| SPEAKER: | | | |
| BATES, LoRenzo | | | |
| (Votes only in a tie) | | | |

GRAND TOTAL

8 6

CERTIFICATION:

Honorable LoRenzo Bates
Speaker

**23rd NAVAJO NATION COUNCIL
COUNCIL REPORT
Third Year 2017**

The **NAVAJO NATION COUNCIL** to whom has been assigned:

NAVAJO NATION LEGISLATION #0020-17

An Action Relating to Health, Education and Human Services, Budget and Finance and Naabik'iyáti' Committees and Navajo Nation Council; Adopting the Síhasin Fund Senior Citizens Expenditure Plan Pursuant to CD-68-14 and 12 N.N.C. §§ 2501-2508

SPONSOR: Honorable Amber K. Crotty

Has had it under consideration and reports the same **WAS TABLED UNTIL THERE IS A 2/3 QUORUM**

Respectfully Submitted,



Honorable Lorenzo C. Bates, Speaker
NAVAJO NATION COUNCIL

19 APRIL 2017

TABLING MOTION:

Motion to Table until where there is a 2/3 quorum

Motioned by: Honorable Jonathan L. Hale

Seconded by: Honorable Norman M. Begay

Vote: 11 in Favor, 05 Opposed (Speaker Bates not voting)

MAIN MOTION:

Motioned by: Honorable Jonathan Perry

Seconded by: Honorable Otto Tso

Vote: in Favor, Opposed

NAVAJO NATION

RCS# 732

NNC Spring Session

4/19/2017

12:22:35 PM

Amd# to Amd#

Table Legislation No. 0020-17

PASSED

MOT Hale

(until when there is a 2/3

SEC Begay, NM

quorum)

Yea : 11

Nay : 5

Not Voting : 6

Yea : 11

Begay, K
Begay, NM
Begay, S

Chee
Crotty
Filfred

Hale
Perry
Phelps

Slim
Yazzie

Nay : 5

Brown
Daniels

Tso

Tsosie

Witherspoon

Not Voting : 6

Bates
BeGaye, N

Bennett
Damon

Jack
Pete

Shepherd
Smith