

RESOLUTION OF THE
NAVAJO NATION COUNCIL

23RD NAVAJO NATION COUNCIL -- Fourth Year, 2018

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE, RESOURCES AND DEVELOPMENT COMMITTEE, BUDGET AND FINANCE COMMITTEE; NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF \$4,200,000.00 (FOUR MILLION TWO HUNDRED THOUSAND DOLLARS) FOR THE CONSTRUCTION OF THE CHINLE NURSING HOME; WAIVING 12 N.N.C. §§ 820(I) AND 860(C) RELATING TO THE CAPITAL IMPROVEMENT PROCESS

BE IT ENACTED:

SECTION ONE. AUTHORITIES

- A. The Navajo Nation established the Health, Education and Human Services Committee as a Navajo Nation Council standing committee and as such gave the Committee oversight over health and social service related activities of the Navajo Nation. 2 N.N.C. §§ 400 (A), 401(C)(2).
- B. The Navajo Nation established the Resources and Development Committee as a Navajo Nation Council standing committee and as such gave the Committee oversight over economic and community development projects of the Navajo Nation. 2 N.N.C. §§ 500 (A), 501(A).
- C. The Navajo Nation established the Budget and Finance Committee (BFC) as a Navajo Nation Council standing committee and as such empowered BFC to review and recommend to the Navajo Nation Council the management of all funds. 2 N.N.C. §§ 164 (A)(9), 300 (A), 301 (B)(2).
- D. The Navajo Nation Council established the Naabik'íyáti' Committee as a Navajo Nation standing committee and as such proposed legislation that requires final action by the Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee. 2 N.N.C. §§ 164 (A)(9), 700 (A).

SECTION TWO. TITLE 12 FINANCE ACT SUPPLEMENTAL APPROPRIATION PROCESS AND THE TITLE 12 CAPITAL IMPROVEMENT PROCESS

- A. The Title 12 Finance Act Supplemental Appropriation requirements include:

1. Pursuant to 12 N.N.C. § 820(L), when the Controller identifies additional sources of revenues above and beyond the initial or current revenue projections, supplemental appropriations may be allocated by the Navajo Nation Council.
 2. Pursuant to 12 N.N.C. § 820 (L), "Supplemental appropriations made from non-recurring revenues shall only be made for non-recurring operations or purposes, as set forth at § 820 (F). The Controller of the Navajo Nation shall be responsible for designating recurring and non-recurring revenues and purposes."
 3. Pursuant to 12 N.N.C. § 820(M), all requests for annual operating funds and supplemental funds shall be submitted to the Office of Management and Budget ("OMB") for budget impact analysis.
- B. The Title 12 Capital Improvement Process includes:
1. Pursuant to 12 N.N.C. § 810(F), "Capital Improvement" means a major project undertaken by the Navajo Nation that is generally not recurring on an annual basis and which fits within one or more of the following categories:
 - (1) All projects requiring debt obligation or borrowing;
 - (2) Any acquisition or lease of land;
 - (3) Purchase of major equipment or vehicles, with a life expectancy of five years or more, valued in excess of an amount to be established by the Controller;
 - (4) Major building improvements that are not routine maintenance expenses and that substantially enhance the value or extend the useful life of a structure;
 - (5) Construction of new buildings or facilities including engineering, design, and other pre-construction costs with an estimated cost in excess of an amount to be determined by the Controller; and/or
 - (6) Major equipment or furnishing required to furnish new buildings or other projects, the cost of which is above a certain amount to be established by the Controller.

2. Pursuant to 12 N.N.C. § 820 (I), the "[d]evelopment of the Capital Budget shall be coordinated the development of the Operating Budget. All budget requests for capital improvements shall be in compliance with an adopted Capital Improvement Plan and shall not be approved unless in compliance with the Plan."
3. Pursuant to 12 N.N.C. § 820 (M), the Office of Management and Budget shall coordinate the overall preparation, adoption and implementation of both the annual operating and capital budgets of the Navajo Nation. All requests for annual operating funds and supplemental funds shall be submitted to the Office of Management and Budget for budget impact analysis and other appropriate action.
4. Pursuant to 2 N.N.C. § 501 (B)(4)(c), the Resources and Development Committee is to review and recommend to the Navajo Nation Council through the appropriate process supplemental appropriations to the capital improvement projects annual budget to fund necessary additional capital improvement projects.
5. Pursuant to 12 N.N.C. § 860 (C)(2) "[t]he appropriation portion of the Capital Improvement Plan is subject to approval of the Navajo Nation Council upon recommendation of the Budget and Finance Committee. Any modification or amendment affecting the approved Capital Improvement Plan is subject to review and concurrence by the Resources and Development Committee prior to consideration by the Navajo Nation Council."

SECTION THREE. FINDINGS

- A. The Navajolands Nursing Home, Inc., doing business as Chinle Nursing Home, requests this appropriation to supplement the \$21,448,516 appropriation by the Navajo Housing Authority in order to complete a new 80 bed nursing home facility. See **Exhibits E, F and G.**
- B. This is a funding request for a supplemental appropriation from the Unreserved, Undesignated Fund Balance in the amount of \$4,200,000.00.
- C. The construction of the Chinle Nursing Home is not included in the Title 12 Capital Improvement Plan because the

Capital Improvement Plan was rescinded by Navajo Nation Council by CAP-23-17.

- D. The Office of the Controller has provided a memorandum dated February 14, 2018, indicating the balance in the Unreserved, Undesignated Fund Balance as of February 14, 2018 is \$27,717,798. This memorandum is provided to meet the requirements of 12 N.N.C, 820 (L), however the Controller of the Navajo Nation has not designated the funds as recurring or non-recurring. The memorandum is attached as **Exhibit B**.
- E. The Office of Management and Budget has completed a Budget Impact Analysis of the Chinle Nursing Home pursuant to 12 N.N.C. § 820(M) and is attached as **Exhibit H**.
- F. Pursuant to the 2018 Budget Instructions Manual Sections XI. B. and XIV. B., the supplemental funding and grant application budget forms/project forms, articles of incorporation which includes the name and address of board members and the bylaws are attached as **Exhibits A, I and J**, respectively.
- G. The current nursing home is approximately 50 years old and is unable to be repaired. The building in its current condition does not meet the standards of the Centers for Medicare/Medicaid Services (CMS) regulatory requirements. See **Exhibits E and A**.
- H. The Chinle Nursing Home serves Navajo elders from across the Navajo Nation, representing 46 chapters. The nursing home strives to keep Navajo elders on the reservation and near their homes and families. See **Exhibit A**.
- I. The Chinle Chapter supports the supplemental appropriation, the Chinle Chapter Resolutions are attached as **Exhibits C and D**.
- J. The Navajo Nation finds it in the best interest of the Navajo people to approve this supplemental appropriation request and to waive the Capital Budget and Capital Improvement Plan requirements as stated in 12 N.N.C. §§ 820(I) and 860 (C) regarding the construction of the Chinle Nursing Home.

SECTION FOUR. APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF \$4,200,000.00 FOR THE CHINLE NURSING HOME

- A. This supplemental appropriation of \$4,200,000.00 shall be from that amount of funds that exceeds the minimum fund balance of the Unreserved, Undesignated Fund Balance as determined by the Office of the Controller to the Chinle Nursing Home.
- B. The Navajo Nation hereby approves the supplemental appropriation from the Unreserved, Undesignated Fund Balance to the Chinle Nursing Home for \$4,200,000.00.

SECTION FIVE. WAIVING 12 N.N.C. §§ 820(I) AND 860 (C) REGARDING THE CAPITAL IMPROVEMENT PROCESS

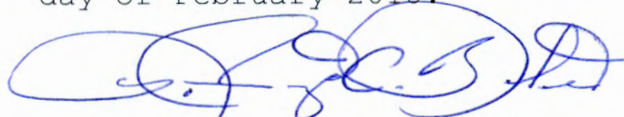
The Navajo Nation Council hereby waives 12 N.N.C. §§ 820(I) and 860(C) with regard to the Capital Improvement process and the construction of the Chinle Nursing Home.

SECTION SIX. EFFECTIVE DATE

The provisions of this Act shall become effective in accord with 2 N.N.C. § 221(B).

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the 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 16 in favor and 00 opposed, on this 16TH day of February 2018.



LoRenzo C. Bates, Speaker
23rd Navajo Nation Council

3-1-18


Date

Motion: Honorable Leonard Pete
Second: Honorable Benjamin L. Bennett

Speaker Bates not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (c)(10), on this 11th day of March 2018.



Russell Begaye, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (c)(11), on this _____ day of _____ 2018 for reason(s) _____ expressed in the attached letter to the Speaker

Russell Begaye, President
Navajo Nation

3. I hereby exercise line item veto pursuant to the 2010, certified Initiative, over the supplemental appropriations approved herein by the Navajo Nation Council; on this _____ day of _____ 2018.

Russell Begaye, President
Navajo Nation

FY 2018
THE NAVAJO NATION
SUPPLEMENTAL FUNDING PROPOSAL SUMMARY



PART I. Business Unit No.: NEW Program Title: Construction of a New Nursing Home Facility
Division/Branch: Chinle Nursing Home (CNH) Amount Requested: \$4,200,000.00 Phone No.: 928-205-0011
Prepared By: Wayne Claw, CEO Email Address: wynclaw@yahoo.com

PART II. REASON FOR REQUEST AND STATEMENT OF NEED:

Chinle Nursing Home (CNH) Facility was built in 1968 as a 79 bed nursing home under the Navajo Nation Department of Social Services to provide nursing health care to Navajo elders. In 1970 CNH became a non-profit 501C3 under the State of Arizona, licensed with CMS, for funds to be allocated from Medicare on monthly reimbursements through the Arizona Health Care Cost Containment System (AHCCCS). Presently, the building is almost 50 years old, has asbestos, leadbase paint, shifting in foundation, and other structural damages causing to increase the operation and maintenance cost. Also, CNH paid many penalty fines due to the facility is in non-compliance for the last four (4) years, threatening to cease funding from Medicaid. The building has also cost the facility from becoming a Medicare Level 2 and 3 facility and lack of space for other elders to be admitted. Therefore, causing the Navajo Nation Social Services and State Long Term Care Case-workers to send elders off the reservation to other nursing homes facilities. CNH is requesting a 80 bed new facility to eliminate the social problems with elders and to keep them near their homes where they can get visitation by family members. By increasing the number of beds with funding, 15-20 new personnel will be hired, which is a requirement by CMS and CNH will have room to bring all the elders back home that are off the reservation in other facilities. All elders are admitted to CNH by the Navajo Nation Family Services, State Long Term Care Case-workers and Indian Health Care Doctors by doctor's orders are according to their needs. Presently, CNH residents (elders) are representing 46 Chapters, furtherst is from Kaibeto, AZ. Presently, due to planning and scheduling, CNH realized there is a shortfall of \$4,200,000.00 to complete the new facility.

PART III. CONTINGENCY PLAN IF REQUEST IS NOT FUNDED:

Request the NHA Board of Commissioners for additional \$4,200,000.00.

PART IV. ALTERNATIVE FUNDING SOURCES BEING PURSUED:

CNH recieved funding from NHA in the amount of \$21,448,541.00, which is 75% of the cost for the new 80 bed facility. CNH is respectfully requesting funds from the Navajo Nation to make this dream possible, this would be 25% of the cost.

PART V. AFFIRMATION IS PROVIDED THAT THE PROPOSAL INFORMATION IS COMPLETE AND ACCURATE AND THE APPROPRIATE BRANCH CHIEF RECOMMENDS APPROVAL.

Proposal request to NHA Board of Commissioners for \$4,200,000.00.

REVIEWED BY: Wayne Claw Division Director's Signature / Date 10/11/17

RECOMMEND APPROVAL: [Signature] Branch Chief's Signature / Date 10/16/17

FY 2018
THE NAVAJO NATION
PROJECT BUDGET SUMMARY


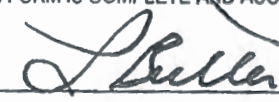
PART I.		Business Unit No.: <u>NEW</u>	Project Title: <u>Construction of a New Nursing Home Facility</u>
		Division/Branch: <u>Chinle Nursing Home</u>	Chapter: <u>Chinle</u> Agency: <u>Central Agency</u>
		Prepared By: <u>Wayne Claw, CEO</u>	Phone No.: <u>928-674-5416 or 928-205-0011</u>

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

Project Funds/Source(s)	Appropriation End Date	Amount	% of Total
1. Undesignated Reserve Fund Balance	10/01/17 - 09/30/18	\$ 4,200,000.00	100.00%
TOTAL:		\$ 4,200,000.00	100.00%

PART III.		Budget at LOD 4	Amount
1	UUFB (Geneal Funds)	\$	4,200,000.00
2	6 External Contractor 6200		
3	7 General Contractor - 6290		
TOTAL		\$	4,200,000.00

PART IV.		Project Information
Project Type:		<u>Construction of a new Nursing Home</u>
Planned Start Date:		<u>1-Oct-17</u>
Planned End Date:		<u>30-Sep-18</u>
Project Manager:		<u>Wayne Claw, CEO</u>
FOR OMB USE ONLY		
Resolution No.:		
FMIS Set Up Date:		
Company No.:		
OMB Analyst:		


PART V. ACKNOWLEDGEMENT:	
I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED ON THIS FORM IS COMPLETE AND ACCURATE.	
 <u>10/11/17</u>	 <u>10/16/17</u>
SUBMITTED BY: Dept. Director Signature / Date	VERIFIED BY: Div. Director Signature / Date

THE NAVAJO NATION GRANT APPLICATION - FISCAL YEAR 2018

GRANTEE INFORMATION			
Name of Applicant: Navajoland Nursing Home, Inc.		Telephone No.: 928-674-5216	
Mailing Address: P.O. Box 910 Chinle, Arizona 86503		Email: wynclaw@yahoo.com	
Physical Address: N191 West Hospital Rd.		IRS# 860427359	
Amount of grant requested: \$ 4.2 Millions	Grant start date: Jan-18	Grant end date: 4/1/2019	
Brief description of grant program or project. Replace the existing 50 years old non-compliance nursing home, 79 beds building with new 80 beds facility, which is under construction presently (project started August 07, 2018).			

PROBLEMS/NEEDS STATEMENT*
<p>Describe the problems/needs identified based on relevant and collected data. The statement should be brief, clear and concise, including population (Navajo) to be served and location of the population.</p> <p>The present 79 bed facility was built in 1968 does not meet minimum requirements of Center for Medicare/Medicaid Services (CMS) building and to continue as a licensed facility. Chinle Nursing Home (CNH) is continually being fined for non-compliance (Abestos and Lead Paint still in building) and outdated building codes by CMS. Presently, CNH is full, with 75 elders staying at the nursing home, 4 vacate by CMS regulation for emergency admission, out of 110 chapter, 58 chapters are represented by elder at the facility. CNH served the entire Navajo Nation. The Chinle population is 12,000 radius of ten miles. CNH is the only State Licensed Nursing Home facility on the NN.</p>

METHODOLOGY*
<p>Describe the approaches, services, and/or ways the problems or needs will be addressed.</p> <p>The funds requested approved by the NN to assist completing the new 80 bed facility, so CNH can be in compliance and having elders stay in a safe & healthy environment. (see attached budget to complete the new facility).</p>

To the best of my knowledge and belief, all data in this application are true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the Navajo Nation terms and conditions if the grant is awarded.	
<div style="text-align: center;">  _____ Signature of Authorized Representative </div> <div style="text-align: center; margin-top: 10px;"> Wayne Claw _____ Type Name of Authorized Representative </div>	<div style="text-align: center;"> <div style="display: flex; align-items: center; justify-content: center;"> <div style="border-left: 1px solid black; border-right: 1px solid black; padding: 0 5px;">1</div> <div style="border-left: 1px solid black; border-right: 1px solid black; padding: 0 5px;">3</div> <div style="border-left: 1px solid black; padding: 0 5px;">18</div> </div> _____ Date Signed </div> <div style="text-align: center; margin-top: 10px;"> CEO _____ Title </div>

* If additional space is needed, use a separate sheet of paper.

Page 2 of 4
PROJECT FORM 2

PART I. Business Unit No.: <u>New</u> Project Title: <u>Construct a New 80 bed Nursing Home for elders</u>																																																																																																																																																																																																																																																																						
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Project Task List: such as Plan, Design, Construct, Equip or Furnish.	<table border="1"> <thead> <tr> <th colspan="12">FY 2018</th> <th colspan="5">FY 2018/2019</th> <th colspan="5">Expected Completion Date if exceeds 8 FY Qtrs.</th> </tr> <tr> <th colspan="3">1st Qtr.</th> <th colspan="3">2nd Qtr.</th> <th colspan="3">3rd Qtr.</th> <th colspan="3">4th Qtr.</th> <th colspan="3">1st Qtr.</th> <th colspan="3">2nd Qtr.</th> <th colspan="3">3rd Qtr.</th> <th colspan="3">4th Qtr.</th> <th colspan="5">Date</th> </tr> <tr> <th>O</th><th>N</th><th>D</th> <th>J</th><th>F</th><th>M</th> <th>A</th><th>M</th><th>J</th> <th>Jul</th><th>A</th><th>S</th> <th>O</th><th>N</th><th>D</th> <th>J</th><th>F</th><th>M</th> <th>A</th><th>M</th><th>J</th> <th>Jul</th><th>A</th><th>S</th> <th>O</th><th>N</th><th>D</th> <th>J</th><th>F</th><th>M</th> </tr> </thead> <tbody> <tr> <td>1. Bid/Install Medical Assessories</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> <tr> <td>2. Bid/Install Furniture, Equipments</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> <tr> <td>3. Bid/Install Special Systems</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> <tr> <td>4. Fire lane improvement</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> <tr> <td>5. Site complete security</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> <tr> <td>6. Construction Shortfall</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </tbody> </table>	FY 2018												FY 2018/2019					Expected Completion Date if exceeds 8 FY Qtrs.					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	1. Bid/Install Medical Assessories																														2. Bid/Install Furniture, Equipments																														3. Bid/Install Special Systems																														4. Fire lane improvement																														5. Site complete security																														6. Construction Shortfall																													
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THE NAVAJO NATION
PROJECT BUDGET AND JUSTIFICATION

PART I. Business Unit No.: <u>NEW</u>				
Project Title: <u>REQUEST FOR ADDITIONAL FUNDS TO COMPLETE THE NEW 80 BED NURSING HOME CONSTRUCTION</u>				
PART II.				
(A)	(B)	(C)	(D)	(E)
Fund Source Code	Object Code (LOD 4)	Object Code (LOD 6)	Object Code Description (LOD 7) & Justification	Budget TOTAL
	9000		Capital Outlay: The request for additoinal funding is to complete the New 80 beds nursing home construction going on presently. The short falls of funds was due to time, cost of materials (steel)escalatin hauling dirt from Gallup N, due to closure of dirt pit in Chinle, and numerous other items. List below are the description of shortfalls:	4,200,000
		9010	Medical Accessories- & Furnitures: PT, OT, ST, Dinning room tables, cook wares chairs, fun nitures, et	550,000 547,000
		9140	Speical Equipments & systems: Sound systems for emergencies, computers, alarms, etc	800,000
		9020	Construction shortfalls-site complex security, fire lane road improvement: paved fire lane, expense for A/E design, landscape, security fencing, demo of the existing old facility, etc.	1,600,000 203,000 500,000
			SEE ATTACHED EXHIBIT "C" FOR MORE DETAILS JUSTIFICATIONS	
PAGE TOTAL:				\$4,200,000.00

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

PART I. PROGRAM INFORMATION: Business Unit No.: _____ NEW _____		Program Name/Title: CHINLE NURSING HOMME NEW 80 BED FACILITY CONSTRUCTION									
PART II. PLAN OF OPERATION REFERENCE/LEGISLATED PROGRAM PURPOSE: Chine Nursing Home operation is based on the Arizona State Corporation Article of Corporation, By-laws and HIPPA Privacy Act providing Level I, II & III elder health care on the Navajo Nation.											
PART III. PROGRAM PERFORMANCE CRITERIA:		1st QTR		2nd QTR		3rd QTR		4th QTR			
		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
1. Program Performance Area: Provide safe, healthy, & sanitary nursing home for Navajo Elders Goal Statement: _____ Numbers of elders to serve each quarter in the new facility											
2. Program Performance Area: Provide the best PT, OT & ST for elders in the new facility Goal Statement: _____ Numbers of elders provided PT, ST & OT per quarter.											
3. Program Performance Area: Enhance employment opportunities Goal Statement: _____ Numbers of new jobs to create per quarter pursuant to CMS regulation											
4. Program Performance Area: Goal Statement: _____											
5. Program Performance Area: Goal Statement: _____											

PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.
 Wayne Claw, CEO
 Program Manager's Printed Name
Wayne Claw
 Program Manager's Signature and Date
2/15/18

for Clara Pratte COS
 Division Director/Branch Chief's Printed Name
Clara Pratte
 Division Director/Branch Chief's Signature and Date
2/16/18

Required Additional Funds

Chinle Nursing Home – 80 Resident Beds

December 1, 2017

1. Medical Accessories – \$550,000

Included in medical accessories are:

- Occupational therapy (OT) equipment and accessories
- Speech therapy (ST) equipment and accessories
- Physical therapy (PT) equipment and accessories
- 80 resident medical beds with accessories
- Lab equipment and accessories
- Medical equipment

2. Furniture, Fixtures and Equipment (FF&E) - \$547,000

- Office furniture; desks, chairs, filing cabinets, work surfaces
- Staff work station furniture; work surfaces, chairs, filing cabinets
- Nurses stations work stations; work surfaces, chairs, filing cabinets
- Conference room furniture; conference room table w/data and power, chairs, marker boards
- Staff lockers; men and women staff lockers are to be installed.
- IT server room furnishings; work tops, chairs stools
- Dining room furnishings; tables, chairs, benches
- Kitchen serving and dining accessories
- Resident activity area furnishings; chairs, sofas, benches, tables
- Resident room furnishings; chairs, dresser drawers, clothing lockers for each resident
- Resident privacy curtains; 40 rooms traditional shared, two resident beds to a room
- 2 outdoor resident patio furnishings; tables, chairs and benches
- 1 outdoor dining patio furnishings; tables, chairs and benches

3. Special Systems - \$800,000

- Voice/Data infrastructure cabling throughout building; Category 6 cabling and terminating hardware to support all voice, data, TV monitors, CCTV and wireless systems for the facility.
- IP CCTV Camera System; CCTV system that will provide ample video coverage based on drawings, needs of the Chinle Nursing Home (CNH) and CMS (authority having jurisdiction).
- Network Switches and Wireless Access Points; necessary IT network switches and wireless access points throughout the facility as planned.
- Paging System; a typical overhead paging system will be installed with flush mounted ceiling speakers per drawing plans.
- Door Intercom System; a color video and two-way audio door intercom system monitored at two locations will be installed per CNH requirements.
- Nurse Call System; the nurse call system for the facility will provide audio annunciation of calls to nurse stations and communal areas from patient room devices that includes call cords and bathroom pull stations per CMS requirements.
- Cable TV Distribution System; a dish network cable distribution system will be installed in the new facility as a complete turnkey system.

- Fire Alarm System; a fire alarm system will be installed to interface with fire suppression sprinkler system with offsite monitoring provided for one year. All components of the fire alarm system are to be provided including the fire alarm panels, manual pull stations, automatic detection in corridors and unoccupied spaces.
- Access Control System; the access control system will be installed at six (6) door locations complete with proximity readers, access cards and badge printer.
- Digital Signage System; a network based digital signage player will be installed for announcements, menus and key activities CNH is providing.

4. Fire lane improvement - \$590,000

- The fire marshal has issued a letter stating the existing complex fire lane at the new facility connections must be improved for fire department equipment access throughout the CNH complex.
- The existing roadways must be improved wider and access connections are to be considered to meet fire department requirements.
- This requires an additional design by A/E teams and additional funds for construction cost of work.

5. Site complex security - \$203,000

- The CNH exterior site security must be improved to meet CNH and CMS requirements for site security requirements.
- Additional design by A/E teams will be required to prepare a plan to improve the CNH complex security and additional funds for construction cost of work.

6. Construction Shortfall - \$1,600,000

- Without additional funding the facility construction budget has a shortfall of \$1.6 mil after all cost cutting and value engineering efforts have been exhausted.
- Interior wall finishes are not funded.
- Interior floor finishes are not funded.
- Interior wall paint is not funded.
- Demolition of the existing nursing home to make way for parking and roadway through completion is not funded.
- Restroom finishes, signage, wall protection, window coverings and miscellaneous specialties are not funded.
- Exterior fencing, landscape, softscape and site amenities are not funded.
- Contractor General Requirements and General Conditions for these items are not funded.
- Pending and potential Federal CMS requirements are not funded.

Total Additional Funds Required - \$4.2 mil

Note: Currently the CNH home is at the foundation, underground utilities and floor slab construction stage. This project had to be started July 2017 to meet CMS deadline set for December 2018. The project is set in phases with multiple Guaranteed Maximum Price (GMP) packages. The master budget developed shows the overall need of \$4.2 mil to complete all phases of construction planned. Items 1 – 5 are owner responsibility typical of commercial construction. Item 6 is identified items that create a construction shortfall due to insufficient funding for the project.



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE-PRESIDENT

Memorandum




Date: February 14, 2018

To: Honorable Russell Begaye, President
Office of the President/Vice President

Honorable Lorenzo Bates, Speaker
Navajo Nation Council

Honorable JoAnn Jayne, Chief Justice
Judicial Branch

From: 
Pearline Kirk, Controller
Office of the Controller

Subject: Controller's Financial Update As of January 31, 2018

I am pleased to present to you the following information related to General Fund financial data up to January 31, 2018.

The General Fund Financial data is as follows:

The gross General Fund Revenues (see **Exhibit "A"**) as of January 31, 2018 is \$99,205,877, and the total set asides total \$33,057,058. The Net Revenue for the General Fund is \$66,148,819, which is 44.45% of the projection.

The total expenditures by branch are shown on **Exhibit "B"**.

- The Legislative Branch has expenditures of \$4,736,197, encumbrances of \$540,894 with a remaining budget of \$11,563,745.
- The Executive Branch expenditures are \$60,501,243 encumbrances are \$5,813,170 with a remaining budget of \$109,189,810.
- The Judicial Branch expenditures are \$3,933,787 with zero encumbrances and remaining budget of \$9,914,134.
- Total General Fund expenditures are \$69,171,228; total encumbrances are \$6,354,064 with an overall remaining budget of \$130,667,690.

The updated UUFB as of February 14, 2018 is \$27,717,798 (see **Exhibit "C"**). There have been two supplemental appropriations during Fiscal Year 2018 in the total amount of \$3,909,557.

If you should have any questions, you can contact me at Tribal extension X6308.



THE NAVAJO NATION
General Fund Revenue Schedule
(Unaudited)
January 31, 2018

FY 2018

GENERAL FUND REVENUE				Actual Revenue Received	Revenue to be collected	% Revenue of Total
Original Budget	Revised Budget					
TNN: ROYAL; GAS; OIL	\$ 25,378,000	\$	9,327,940	\$	16,050,060	36.76
TNN: COAL REVENUES	45,381,000		13,027,475		32,353,525	28.71
TNN:OTR MINERALS REV			14,807		(14,807)	
TNN: LAND REVENUES	62,644,000		44,562,838		18,081,162	71.14
TNN: BUSINESS FEES			24,995		(24,995)	
TNN: INTEREST INCOME	2,500,000		2,247,521		252,479	89.90
TNN: TAX REVENUES	62,965,000		28,568,428		34,396,572	45.37
COURT FINES + FEES	400,000		136,722		263,278	34.18
TNN: OTHER REVENUES	750,000		1,142,582		(392,582)	152.34
BIA: ROYAL; GAS; OIL			106,680		(106,680)	
BIA: COAL REVENUES			26		(26)	
BIA:OTR MINERALS REV			-		-	
BIA: LAND REVENUES			45,863		(45,863)	
TOTAL REVENUE	\$ 200,018,000		99,205,877	(1) \$	100,812,123	49.60
LESS:SET ASIDES						
CAPITAL OUTLAY MATCH	\$ (2,000,000)		(2,000,000)	\$	-	100.00
LAND FUND TRANSFER	(4,000,000)		(1,984,118)		(2,015,882)	49.60
PERMANENT FUND TRNSF	(24,002,000)		(11,904,705)		(12,097,295)	49.60
WATER RIGHTS CLAIM FU	(2,000,000)		(2,000,000)		-	100.00
DINE' HIGHER EDUCATIO	(11,200,000)		(11,200,000)		-	100.00
VETERANS TRUST FUND S	(8,001,000)		(3,968,235)		(4,032,765)	49.60
TOTAL SET ASIDE	\$ (51,203,000)		\$ (33,057,058)	(2) \$	(18,145,942)	64.56
SUB TOTAL	\$ 148,815,000		\$ 66,148,819	(3) \$	82,666,181	44.45
PERMANENT FUND INCOME TRANSFER						
OTHER REVENUE TRANSFER	\$ 10,881,000		\$ 10,881,000	(4) \$	-	100.00
ADD: PF FIVE-YEAR CONTINGENCY	2,885,000		2,885,000	(5)	-	100.00
TOTAL PFI TRANSFER	\$ 13,766,000		\$ 13,766,000	\$	-	100.00
NET PFI TRANSFER	\$ 13,766,000		\$ 13,766,000	\$	-	100.00
GRAND TOTAL	\$ 162,581,000		\$ 79,914,819	(6) \$	82,666,181	49.15

- (1) Gross General Fund Revenues
- (2) Total Set Asides for General Fund Revenue
- (3) Net General Fund Revenue
- (4) Permanent Fund Income allocation to General Fund
- (5) Permanent Fund Income allocation reserve (CO-54-16)
- (6) Grand total General Fund Revenues

Controller's Report-Special Session-February 2018

EXHIBIT "A"

Prepared by:
General Accounting
2/15/2018



FY 2018 EXHIBIT "B"

The Navajo Nation Budget Status_Income Statement As of January 31, 2018

Branch / Object Account	Original Budget	Revised Budget	Actual Expenses	Encumbrances	Budget Available	% Available
LEGISLATIVE BRANCH						
2001 - Personnel Expenses	\$ 10,202,527	11,839,705	3,512,857		\$ 8,326,848	70.33
3000 - Travel Expenses	1,500,400	1,431,847	472,450	39,034	920,363	64.28
3500 - Meeting Expenses	258,642	362,097	117,727	-	244,370	67.49
4000 - Supplies	295,427	450,263	169,613	37,874	242,775	53.92
5000 - Lease & Rental	222,665	226,788	79,109	45,480	102,199	45.06
5500 - Communications & Utilities	144,602	144,850	33,157	-	111,693	77.11
6000 - Repairs & Maintenance	71,281	125,726	66,720	649	58,357	46.42
6500 - Contractual Services	499,854	1,437,403	153,074	271,827	1,012,502	70.44
7000 - Special Transactions	369,412	382,308	130,778	14,087	237,443	62.11
8000 - Assistance	-	-	-	-	-	-
9000 - Capital Outlay	217,412	439,849	711	131,943	307,196	69.84
9500 - Matching & Indirect Cost	-	-	-	-	-	-
Total LEGISLATIVE BRANCH	\$ 13,782,222	\$ 16,840,836	\$ 4,736,197 (1a)	\$ 540,894 (1b)	\$ 11,563,745 (1c)	68.66
EXECUTIVE BRANCH						
2001 - Personnel Expenses	80,000,411	83,204,401	23,095,938	-	\$ 60,108,463	72.24
3000 - Travel Expenses	9,602,678	9,472,050	2,935,764	3,580	6,532,706	68.97
3500 - Meeting Expenses	922,101	536,613	47,314	-	489,299	91.18
4000 - Supplies	5,051,048	5,188,141	1,218,528	522,644	3,446,969	66.44
5000 - Lease & Rental	2,905,239	4,431,047	2,115,269	130,093	2,185,684	49.33
5500 - Communications & Utilities	6,405,226	7,138,720	1,712,530	518,303	4,907,887	68.75
6000 - Repairs & Maintenance	4,881,542	6,653,922	1,774,347	1,432,554	3,447,021	51.80
6500 - Contractual Services	5,462,198	9,106,568	584,079	2,951,390	5,571,099	61.18
7000 - Special Transactions	10,247,095	10,282,575	3,790,524	141,339	6,350,713	61.76
8000 - Assistance	32,211,358	33,940,942	21,463,857	72,584	12,404,502	36.55
9000 - Capital Outlay	1,067,855	1,265,866	167,851	40,685	1,057,331	83.53
9300 - Other Income and Expense	-	-	-	-	-	-
9500 - Matching & Indirect Cost	4,283,378	4,283,378	1,595,243	-	2,688,135	62.76
Total EXECUTIVE BRANCH	\$ 163,040,129	\$ 175,504,224	\$ 60,501,243 (2a)	\$ 5,813,170 (2b)	\$ 109,189,810 (2c)	62.21
JUDICIAL BRANCH						
2001 - Personnel Expenses	\$ 12,487,393	12,492,946	3,681,025		\$ 8,811,921	70.54
3000 - Travel Expenses	367,211	438,932	64,362	-	374,570	85.34
3500 - Meeting Expenses	27,250	45,250	1,410	-	43,840	96.88
4000 - Supplies	226,217	297,219	43,215	-	254,004	85.46
5000 - Lease & Rental	9,805	14,592	9,819	-	4,773	32.71
5500 - Communications & Utilities	98,802	108,030	20,025	-	88,005	81.46
6000 - Repairs & Maintenance	50,211	183,801	44,067	-	139,734	76.02
6500 - Contractual Services	5,050	11,550	3,592	-	7,958	68.90
7000 - Special Transactions	161,958	255,603	66,272	-	189,330	74.07
8000 - Assistance	-	-	-	-	-	-
9000 - Capital Outlay	-	-	-	-	-	-
9300 - Other Income and Expense	-	-	-	-	-	-
Total JUDICIAL BRANCH	13,433,897	13,847,922	3,933,787 (3a)	\$ - (3b)	\$ 9,914,134 (3c)	71.59
GRAND TOTAL:	\$ 190,256,248	\$ 206,192,982	\$ 69,171,228 (4a)	\$ 6,354,064 (4b)	\$ 130,667,690 (4c)	63.37

Footnotes:

Legislative Branch

- (1a) Legislative Expenses
- (1b) Legislative Encumbrances
- (1c) Legislative Budget Available

Executive Branch

- (2a) Executive Expenses
- (2b) Executive Encumbrances
- (2c) Executive Budget Available

Judicial Branch

- (3a) Judicial Expenses
- (3b) Judicial Encumbrances
- (3c) Judicial Budget Available

Total General Fund

- (4a) General Fund Expenses
- (4b) General Fund Encumbrances
- (4c) General Fund Budget Available

FY 2018
EXHIBIT "C"



Undesignated, Unreserved, Fund Balance (UUFB)
February 14, 2018

09-30-17 UUFB balance <u>(Un-Audited)</u>		31,627,355
Less Supplementals:		
CD-72-17 Grazing, Farm Board, Land Board	2,452,257	
CD-73-17- UNM Housing	1,457,300	
Total Supplementals		<u>3,909,557</u>
UUFB -unaudited 02/14/18		<u><u>27,717,798</u></u>

Prepared by: General Accounting
2/15/2018
9:08 AM

Chinle Chapter Government

THE NAVAJO NATION

Myron McLaughlin
PRESIDENT

David Yazzie, Jr.
VICE PRESIDENT

Cynthia Hunter
SECRETARY/TREASURER

Leonard H. Pete
COUNCIL DELEGATE

Eugene Tso
GRAZING COMMITTEE MEMBER



RESOLUTION OF THE CHINLE CHAPTER NAVAJO NATION CHIN-SEP-17-050

SUPPORTING THE NAVAJOLAND NURSING HOME, INC., (NNHI) dba, CHINLE NURSING HOME (CNH) REQUESTS FOR ADDITIONAL \$4.2 MILLION DOLLARS FROM THE NAVAJO NATION UNDESIGNATED UNRESERVED FUND BALANCE TO COMPLETE THE NEW 80 BED FACILITY PROJECT

WHEREAS:

1. Chinle Chapter, a recognized certified local government of the Navajo Nation, vested with the power and authority to advocate on behalf of its constituents for the improvement of health, education, safety, and general welfare; and
2. Chinle Chapter has an obligation to promote the interest and welfare of the community residents which includes growth and local small business development, eventually create new income, job opportunities for the private and public sectors of the Navajo economy; and
3. Chinle Nursing Home received a grant of \$21.4M from Navajo Housing Authority (NHA) in FY 2015 for construction of a new 80-bed facility; and
4. With the cost of construction costs increasing, CNH needs an additional \$4,200,000,000 to complete the 80-bed facility; and
5. Chinle Nursing Home has met the Level III requirements as of January 06, 2017; and
6. It is a standard pre-requisite of Medicare/Medicaid that the beds and physical therapy equipment meet Level III requirements; and
7. The request for the additional \$4,200,000 is to meet the Federal and State Mandates for Level III requirements as follows (see attachment):
 - **\$2,000,000 for Medical Accessories:** OT, ST, PT Accessories – 80 Resident Beds with Medical Accessories, Physical Therapy Equipment, Medical Equipment, Laboratory Equipment
 - **\$600,000 for Fixtures, Furniture and Equipment:** Office furniture, includes Board Room, Activity Furniture, Visitor Areas, Dining Room Furniture/Equipment for 100 clients, Staff Lockers, Blinds
 - **\$800,000 for Special Systems:** Cabling, CCTV Camera System, Paging, Nurse Call System, Presentation/TV System, Fire Alarm, Access System, Front End IT System, Additional Federal CMS Construction Requirements
 - **\$800,000 for additional Federal CMS Construction Requirements**
8. Chinle Chapter realizes the new facility construction has started on August 21, 2017 and will be completed by October 2018.

Page Two:

CHIN-SEP-17-050: Supporting the Navajoland Nursing Home, Inc, (NNHI) dba, Chinle Nursing Home (CNH) requests for additional \$4.2 Million from the Navajo Nation Undesignated Unreserved Fund Balance to complete the new 80-bed facility project.

NOW, THEREFORE BE IT RESOLVED THAT:

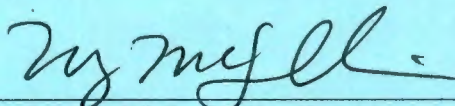
1. Chinle Chapter hereby supports the Navajoland Nursing Home, Inc, (NNHI) dba, Chinle Nursing Home (CNH) requests for additional \$4.2 Million from the Navajo Nation Undesignated Unreserved Fund Balance to complete the new 80-bed facility project.

CERTIFICATION

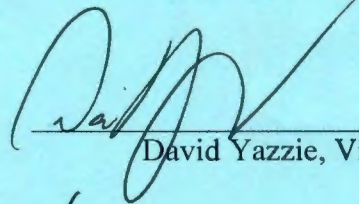
We, hereby certify that the foregoing chapter resolution was duly considered by the Chinle Chapter at a duly called meeting in Chinle, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 23 in favor, 0 opposed, and 8 abstained, this 27th day of September, 2017.

Motioned by: Leonard Pete

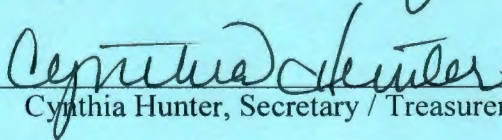
Second by: Alfred Atson



Myron McLaughlin, President



David Yazzie, Vice President



Cynthia Hunter, Secretary / Treasurer

Chinle Chapter Government

THE NAVAJO NATION

Myron McLaughlin
PRESIDENT

David Yazzie, Jr.
VICE PRESIDENT

Cynthia Hunter
SECRETARY/TREASURER

Leonard H. Pete
COUNCIL DELEGATE

Eugene Tso
GRAZING COMMITTEE MEMBER



RESOLUTION OF THE CHINLE CHAPTER NAVAJO NATION CHIN-SEP-17-051

SUPPORTING THE NAVAJOLAND NURSING HOME, INC., (NNHI) dba, CHINLE NURSING HOME (CNH) REQUESTS FOR ADDITIONAL \$4.2 MILLION DOLLARS FROM THE NAVAJO HOUSING AUTHORITY (NHA) BOARD OF COMMISSIONERS (BOC) FOR NON-PROGRAM FUNDS TO COMPLETE THE NEW 80 BED FACILITY PROJECT

WHEREAS:

1. Chinle Chapter, a recognized certified local government of the Navajo Nation, vested with the power and authority to advocate on behalf of its constituents for the improvement of health, education, safety, and general welfare; and
2. Chinle Chapter has an obligation to promote the interest and welfare of the community residents which includes growth and local small business development, eventually create new income, job opportunities for the private and public sectors of the Navajo economy; and
3. Chinle Nursing Home received a grant of \$21.4M from Navajo Housing Authority (NHA) in FY 2015 for construction of a new 80-bed facility; and
4. With the cost of construction costs increasing, CNH needs an additional \$4,200,000,000 to complete the 80-bed facility; and
5. Chinle Nursing Home has met the Level III requirements as of January 06, 2017; and
6. It is a standard pre-requisite of Medicare/Medicaid that the beds and physical therapy equipment meet Level III requirements; and
7. The request for the additional \$4,200,000 is to meet the Federal and State Mandates for Level III requirements as follows (see attachment):
 - **\$2,000,000 for Medical Accessories:** OT, ST, PT Accessories – 80 Resident Beds with Medical Accessories, Physical Therapy Equipment, Medical Equipment, Laboratory Equipment
 - **\$600,000 for Fixtures, Furniture and Equipment:** Office furniture, includes Board Room, Activity Furniture, Visitor Areas, Dining Room Furniture/Equipment for 100 clients, Staff Lockers, Blinds
 - **\$800,000 for Special Systems:** Cabling, CCTV Camera System, Paging, Nurse Call System, Presentation/TV System, Fire Alarm, Access System, Front End IT System, Additional Federal CMS Construction Requirements
 - **\$800,000 for additional Federal CMS Construction Requirements**
8. Chinle Chapter realizes the new facility construction has started on August 21, 2017 and will be completed by October 2018.

CHIN-SEP-17-051: Supporting the Navajoland Nursing Home, Inc, (NNHI) dba, Chinle Nursing Home (CNH) requests for additional \$4.2 Million from the Navajo Housing Authority (NHA) Board of Commissioners (BOC) for Non-Program Funds to complete the new 80-bed facility project.

NOW, THEREFORE BE IT RESOLVED THAT:

1. Chinle Chapter hereby supports the Navajoland Nursing Home, Inc, (NNHI) dba, Chinle Nursing Home (CNH) requests for additional \$4.2 Million from the Navajo Housing Authority (NHA) Board of Commissioners (BOC) for Non-Program Funds to complete the new 80-bed facility project.

CERTIFICATION

We, hereby certify that the foregoing chapter resolution was duly considered by the Chinle Chapter at a duly called meeting in Chinle, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 23 in favor, 0 opposed, and 8 abstained, this 27th day of September, 2017.

Motioned by: Leonard Pete

Second by: Alfred Atson

Myron McLaughlin
Myron McLaughlin, President

David Yazzie
David Yazzie, Vice President

Cynthia Hunter
Cynthia Hunter, Secretary / Treasurer



Chinle Nursing Home

P.O. Box 910
Chinle, Arizona 86503



October 10, 2017

Honorable Council Delegate Jonathan Hale
23rd Navajo Nation Council
THE NAVAJO NATION
P.O. Box 3390
Window Rock, Arizona 86515

Honorable Council Delegate Hale:

This letter is in reference to Chinle Nursing Home (CNH) Grant Proposal requesting \$4,200,000.00 million dollars from the Navajo Nation Undesignated Unreserved Fund Balance (UUFB) to complete the New 80 Bed Nursing Home facility. On September 05, 2015, Navajo Housing Authority (NHA) by Resolution #NHA-4548-0215 approved \$21,448,516.00 for a new 80 bed nursing home. The CNH realized the \$21,448,541.00 funds provided by Navajo Housing Authority (NHA) was not enough to complete the new 80 bed facility, therefore, need additional \$4,200,000.00 million dollars to complete the facility. The new 80 bed nursing home facility is very much needed to house many elders due to the age and non-repairable condition of the existing building, which resulted in non-compliance of meeting the standards of Centers for Medicare/Medicaid Services (CMS) regulatory requirements. The benefit of constructing a new facility are:

1. Development of a new bed facility will be built to meet CMS Regulatory requirements, thereby, eliminating future imposition of monetary fines related to non-compliance of building regulations.
2. Provide employment opportunities for additional 15-20 personnel, starting at the community level extending out to license certified and specialty services.
3. CMS Skilled Level Certification billing will be implemented for all (1-3) levels of care as appropriate, eliminating limited funding of reimbursement for services provided. This will allow CNH to become self-sufficient sustainable in regards to operation and maintenance funding at all level of care.
4. With the assistance of Navajo Nation Family Services and Long Term Care Program, all efforts will be made to transfer our Navajo elders, who currently reside off reservation nursing home facilities, transfer them back near their home at CNH.

CNH is respectfully requesting your assistance to sponsor a legislation to approve our grant proposal in the amount of \$4,200,000.00 million for the 80 bed nursing home for our elderly. Thank you in advance for your assistance and approval. If you have any questions, please contact me at 928-674-5216 or 928-205-0011.

Sincerely,

Wayne Clay, Chief Executive Officer
Chinle Nursing Home

CC: CNH Board of Directors
23rd Navajo Nation Council
Honorable Navajo Nation President Russell Begay



Chinle Nursing Home

P. O. Box 910
Chinle, Arizona 86503



RESOLUTION NO. NNHI-2017-020

RESOLUTION
CHINLE NURSING HOME
BOARD OF DIRECTORS
NAVAJOLAND NURSING HOME, INC., DBA-CHINLE NURSING HOME

NAVAJOLAND NURSING HOME INC., CHINLE NURSING HOME REQUEST ADDITIONAL
NAVAJO NATION FUNDS OF \$4,200,000.00 MILLION DOLLARS TO COMPLETE THE NEW
80 BED FACILITY IN CHINLE, ARIZONA

WHEREAS:

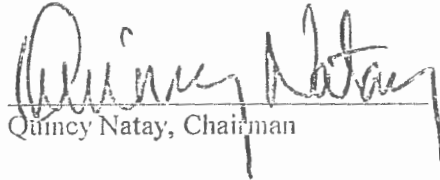
1. The Navajoland Nursing Homes, Inc., (NNHI) Chinle Nursing Home (CNH) is a non-profit corporation organized under the Laws of the State of Arizona and the Navajo Nation; and
2. The NNHI CNH Board of Directors is the governing body of CNH, hereinafter "CNH" and has the authority and power to oversee and supervise the operation of CNH and its employees; and
3. The NNHI CNH was established for the sole purpose of providing adult care services for 79 elders and disabled adults who would otherwise be placed in an off-reservation private facilities to receive nursing care services; and
4. The NNHI CNH is certified under the State of Arizona Department of Health and Human Services for Medicare/Medicaid of the Federal XVII (Medicare) and Federal Title XIX (Medicare/Medicaid/AHCCS programs); and
5. The NNHI CNH realized the \$21,448,541.00 funds provided by Navajo Housing Authority (NHA) was not enough to complete the new 80 bed facility, therefore, need additional \$4,200,000.00 million dollars to complete the facility (see attach budget).

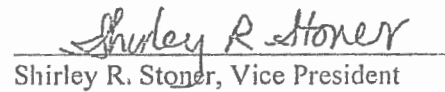
NOW, THEREFORE, BE IT RESOLVED THAT:

1. NNHI CNH request additional funds of \$4,200,000.00 Million Dollars to complete the new 80 bed facility in Chinle, Arizona.

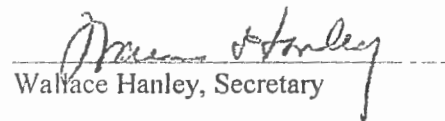
CERTIFICATION

I certify that the foregoing resolution was duly considered pursuant to CNHL By-Laws; telephone calls approval at Chinle, Arizona, on October 11th, 2017, which a quorum was present; _____ in favor, _____ abstained, and _____ opposed.

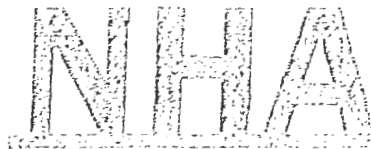

Quincy Natay, Chairman


Shirley R. Stoner, Vice President


Victor Joe, Jr. Member


Wallace Hanley, Secretary


Alice White, Member



Hooghan - Center of Family Growth, Strength and Beauty
NAVAJO HOUSING AUTHORITY

RESOLUTION NHA- 4548-2015

**RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE NAVAJO HOUSING AUTHORITY**

Approving and Authorizing a Funding Commitment
Of \$21,448,516 of Equity Reserve Funds for the
Design and Construction of a New Nursing Home Facility

WHEREAS:

1. Public Law 104-330, the Native American Housing Assistance and Self Determination Act of 1996 (NAHASDA), was enacted to provide housing assistance that recognizes the rights of Indian Self-determination and Self-governance through a program known as Indian Housing Block Grant (IHBG), and

2. The Navajo Housing Authority (NHA) (a) was created and established as a public body of the Navajo Nation under the laws of the Navajo Nation at 6 N.N.C. § 601 and its Plan of Operation is codified thereunder; (b) pursuant to 24 CFR 1000.206 of the NAHASDA regulations, is the Tribally Designated Housing Entity (TDHE) for the Navajo Nation and is an eligible recipient of IHBG pursuant to Navajo Nation Council (NNC) Resolution CD-82-03; and (c) is otherwise regulated by HUD NAHASDA program requirements set forth in the Code of Federal Regulations, Title 24 Housing and Urban Development, Parts 85 and 1000; and

3. Pursuant to 6 N.N.C., Sections 605 and 616(b)(3), the Board of Commissioners of the Navajo Housing Authority (NHA) is empowered with the authority to manage the affairs of the NHA with the power to do all things necessary or desirable to secure the financial aid or cooperation of the federal government in the undertaking of providing safe, decent and sanitary housing; and

4. The Navajoland Nursing Homes, Inc., DBA Chinle Nursing Home (CNH) is the only level 1 and level 2 nursing home care facility on the Navajo Nation and has operated in Chinle, Arizona for over 47 years. The CNH was a subrecipient of NAHASDA funds for the rehabilitation of 10 staff housing units and the construction of 10 new staff rental housing units. The CNH Sub Recipient Agreements were entered into before June 10, 2014; and

5. On August 6 and 7, 2015, CNH staff David Ezell and the Vice Chairperson of the CNH board, Shirley Stoner both reported to the NHA Board of Commissioners on the deteriorated 47 year old facility and pending closure of the facility because of numerous safety violations that arose because of the aging facility; and

6. Aneva Yazzie, the NHA CEO, also met with Wayne Claw, the CNH CEO on Tuesday, September 1, 2015, toured the aging CNH facility, and met with some of the residents. The NHA CEO saw first-hand the dire and immediate need for a safe and decent modern facility for elderly Navajo citizens who need a facility on the Navajo Nation so that they will not be transported off reservation for their critical medical care, and

7. The preliminary initial estimate to design and construct a new 125 bed facility would cost about \$28,598,022 and CNH would like the NHA to assist in funding part of that need; and

RESOLUTION NHA-4548-2015

September 5, 2015

Page 2

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board of Commissioners of the Navajo Housing Authority hereby approves and authorizes a funding commitment of \$21,448,516 (75%) of the total funds needed in the amount of \$28,598,022 to construct a new level 3, 120-bed, 67,800 square foot, 3-story nursing home facility in Chinle, Arizona, using the Navajo Housing Authority's Equity Funds provided that the Navajo Nation or another funding source commits funds for the remaining unmet funding need to complete construction of the new facility.

2. The Board of Commissioners of the Navajo Housing Authority hereby authorizes and directs the Chief Executive Officer and her staff to begin work on the planning and design of the new nursing home facility.

3. The Board of Commissioners of the Navajo Housing Authority challenges and requests the Navajo Nation, all of its Divisions, Department-, and any other Navajo, federal, or entity to assist in funding the design and development of a new nursing home facility that will serve as a home away from home for our Navajo elderly.

4. The Board of Commissioners of the Navajo Housing Authority hereby authorizes and directs the Chief Executive Officer to take all other necessary action to effectuate this resolution.


CERTIFICATION

Commissioner Ben Johnson, moved that the foregoing Resolution NHA-4548-2015 be adopted and this was seconded by Commissioner Kenneth Chester.

Same was passed by the following vote:

AYES: 7 NAYS: 0 ABSTAINED: 0

The Secretary, thereupon, declared said motion carried and said Resolution NHA-4548-2015 was adopted this 5th day of September, 2015.


Ervin Chavez, Chairperson
NHA BOARD OF COMMISSIONERS

ATTEST:

Christina Lewis, Secretary/Treasurer
NHA BOARD OF COMMISSIONERS

REFFECTIVE CHIEF

LEGAL REVIEW: _____

DATE: _____



THE NAVAJO NATION

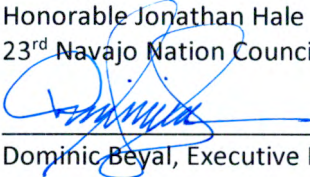
RUSSELL BEGAYE PR
JONATHAN NEZ VICE PRESIDENT



Office of Management and Budget

Memorandum

To: Honorable Jonathan Hale
23rd Navajo Nation Council Delegate

From: 
Dominic Beyer, Executive Director

Date: November 27, 2017

Subject: Review of the Funding Proposal by the Chinle Nursing Home for Construction of a New Nursing Facility in the Amount of \$4,200,000

The Office of Management and Budget reviewed the above subject document and finds the following:

1. The supplemental budget request by the Chinle Nursing Home does not specify what will be funded with the \$4,200,000. The completed Project Process schedule task list for the proposal indicates construction activities that includes earth movement and foundation of the building, construction of new building, inspection and close-out as part of the performance information. There is mention of funding being provided by the Navajo Housing Authority in the amount of \$21,448,541 which is 75% of the construction cost of the new building and the supplemental funding from the Navajo Nation will fund the other 25% of the new building. If this is correct, the total cost of the new building would be \$25,648,541. The \$4,200,000 would then calculate to 16.4% of the total cost, not 25%.
2. To better determine what the \$4,200,000 will be used for, a cost estimate should be included in a proposal attached to the supplemental budget request. The Capital Improvement Projects Guidelines Policies and Procedures adopted in 1999 by the former Transportation and Community Development Committee should be followed which requires a written proposal for funding of capital projects. The proposal should provide detailed information, including cost estimates, on what will be funded with the \$4,200,000 of which there are three construction related tasks listed on Budget Form 2. These include earth movement and foundation, construction of the new building and inspections.
3. This supplemental request as all capital projects supplemental requests should also be reviewed by the Division of Community Development, Department of Capital Projects Management, as to the proper document required by the 1999 guidelines mentioned above in paragraph. Few of the other capital projects supplemental requests are being reviewed by the Department of Capital Projects Management as these supplemental requests are being initiated by the Legislative Branch.

4. Budget Form 1 or the Project Budget Summary in Part II in % of total column has 100.00% which should be the per cent of the project that will be funded from the Navajo Nation UUFB. In Part III, the object codes to be used in Budget at LOD 3 should be the 9000 object code for Capital Outlay and not "UUFB" or the object codes "6200 or 6290" which are object codes used for program operation and not capital budgeting.
5. Budget Form 2 has services rendered while the facility hasn't been built, putting the "cart in front of the horse". Further, Form 2, Part II, needs to be completed. Does the entity have a Plan of Operation, Articles of Incorporation or by-laws? That information needs to be added to Form 2, Part II.
6. Budget Form 3, the Project Budget and Justification form should provide better justification on what is to be budgeted at Level of Detail 4 and 6 in Part II, again using the proper object codes from the Fiscal Year 2018 Budget Instructions Manual. In Column (B), the Level of Detail 4 object code 9000 should be entered which should also be entered on Budget Form 1 in Part III. In Column (C), the appropriate object codes to be entered are at Level of Detail 6 which would be 9050 for Building (construction) and 9070 for inspections. Each of these object codes should have a budget amount included as part of the justification and those amounts should be entered in Column (D).
7. Consideration should be given to use either the Shasin Fund (infrastructure) or Capital Outlay Match Fund. This project appears to be eligible for funding from these sources.
8. There are presently over \$60 million worth of supplemental requests before various Navajo Nation Council committees and there are probably others that are in process and most of them are capital improvement projects. The Controller has issued documentation in Fiscal Year 2017 to state that only \$31 million is available from the UUFB. With limited funds, all of these supplemental requests should be prioritized as stated in the Fiscal Year Navajo Nation Council budget resolution, CS-53-17 before funding consideration. Some of these supplementals which are eligible for funding from other Navajo Nation sources should be referred to these other available funds, such as the Sihasin fund.

For further information regarding this review, contact Mr. Emmett Francis, Budget Officer, Office of Management and Budget, phone number (928) 871-7648 or via email at efrancis@omb.navajo-nsn.gov.

Navajoland Nursing Homes, Inc.
Chinle Nursing Home
P. O. Box 910
Chinle, AZ 86503



Corporation Code
Navajo Nation
State of Arizona



NAVAJO NATION CORPORATION CODE

CERTIFICATE OF GOOD STANDING

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, the Director of the Business Regulatory Department, DO HEREBY
CERTIFY that

NAVAJOLAND NURSING HOMES, INC.
File Number 100092

a Corporation organized under the laws of the Navajo Nation Corporation Act,
did incorporate on January 30, 1991

I FURTHER CERTIFY that this corporation has filed all affidavits and
annual reports and has paid all annual filing fees required to date and, therefore,
is in good standing within the Navajo Nation.

IN WITNESS WHEREOF, I have hereunto
set my hand and affixed the official seal
of the Navajo Nation Corporation Code.
Done at Window Rock, the Capital of the
the Navajo Nation, this 28th
day of March, 2001 A.D.



Frank D. [Signature]
Director, Business Regulatory
Division of Economic Development

COMMISSIONERS
KRISTINK. MAYES - Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP



ARIZONA CORPORATION COMMISSION

ERNEST G. JOHNSON
Executive Director

JEFF GRANT
Director
Corporations Division

September 11, 2009

VICTOR JOE JR
PO BOX 910
CHINLE, AZ 86503

RE: NAVAJOLAND NURSING HOMES, INC.
File Number: 01450670



We are pleased to notify you that your Amendment to Articles of Incorporation for the above-referenced corporation HAS BEEN APPROVED.

You must publish a copy of the Amendment. The publication must be in a newspaper of general circulation in the county of the known place of business in Arizona for three consecutive publications. A list of acceptable newspapers in each county is enclosed and is also posted on the Commission website. Publication must be completed WITHIN 60 DAYS after September 11, 2009, which is the date the document was approved for filing by the Commission. The corporation may be subject to administrative dissolution if it fails to publish. You will receive an Affidavit of Publication from the newspaper, and you may file it with the Commission.

We strongly recommend that you periodically monitor your corporation's record with the Commission, which can be viewed at www.azcc.gov/divisions/corporations. If you have questions or need further information, please contact us at (602) 542-3026 in Phoenix, (520) 628-6560 in Tucson, or Toll Free (Arizona residents only) at 1-800-345-5819.

Sincerely,
Linda CJohnson
Examiner, Corporations Division

CF:11
REV. 01/2009

AZ CORPORATION COMMISSION
FILED

JUL 31 2009

AZ Corp. Commission

02855985

FILE NO. 01450670

FIRST AMENDMENT

ARTICLES OF INCORPORATION

OF

NAVAJOLAND NURSING HOMES, INC.

The undersigned, acting as an Incorporator of a corporation under the Arizona Nonprofit Corporation Act, adopts the following Articles of Incorporation for the corporation:

ARTICLE I

Its corporate name will be Navajoland Nursing Homes, Inc.,

ARTICLE II

Its period of duration will be perpetual

ARTICLE III

It is organized and will be operated exclusively for charitable purposes, and will not carry on any activity not permitted to be carried on by, or which would jeopardize the tax exempt status of, an organization exempt under Section 501 (c) (3) of the Internal Revenue Code and its Regulations, as they now or hereafter exist, or by an organization

AZ CORPORATION COMMISSION
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contributions to which are deductible under Section 170 (c) (2) of such Code and Regulations. No substantial part of the activities of the corporation will be carrying on of propaganda or otherwise attempting to influence legislation, and the corporation will not participate in, or intervene in (including the publication or distribution of statements), any political campaign on behalf of any candidate for public office.

ARTICLE IV

The character of the affairs which it intends actually to conduct is the operation of nursing homes and other health care facilities.

ARTICLE V

The address of the statutory office and the name of its statutory agent at such address are: Victor Joe, Jr., President, N-191 West Hospital Road, Chinle, Arizona 86503 or P.O. Box 910, Chinle, Arizona 86503.

ARTICLE VI

The number of directors constituting the board of directors is 5 directors, and the name and addresses of the persons who are to serve as the directors until the first annual meeting of directors or until their successors are elected and qualify are:

Victor Joe Jr., President

P.O. Box 2333

Dennehotso, Arizona 86535

Shirley Stoner, Vice-President

P.O. Box 766

Chinle, Arizona 86503

Wallace Hanley, Secretary

P.O. Box 42

Window Rock, Arizona 86515

Polly A. Nez, Treasurer

P.O. Box 3337

Chinle, Arizona 86503

Alice M. White, Director

P.O. Box 2197

Kayenta, Arizona 86033

ARTICLE VII

It may exercise only those powers which are in furtherance of its tax exempt purposes and activities, and which may be exercised by an organization exempt under Section 501 (c) (3) of the Internal Revenue Code and its regulations, as they now or hereafter exist, or by an organization contributions to which are deductible under Section 170 (c) (2) of such Code and Regulations.

ARTICLE VIII

It does not afford pecuniary gain, incidentally or otherwise, to its members. No part of the income, profit, or net earnings of the corporation will inure to the benefit of, or be distributable to, the members, directors, or officers of the corporation, or other private persons, except that the corporation may pay reasonable compensation for services rendered, and may make distributions in furtherance of its corporate-purposes either directly, or by contributing to organizations then exempt under Section 501 (c) (3) of the Internal Revenue Code and its Regulations, as they now or hereafter exist. Upon dissolution, the corporate assets will be distributed first in payment of all liabilities of the corporation and then exclusively for the purposes of the corporation or to

charitable, scientific or educational organizations then exempt under
Section 501 (c) (3) of the Internal Revenue Code and its Regulations, as
they now or hereafter exist.

DATED:

July 28, 2009, 2009



STATUTORY AGENT

ACCEPTANCE OF APPOINTMENT

AS STATUTORY AGENT

The undersigned, being duly sworn, accepts appointment as Statutory Agent pursuant to the Nonprofit Corporation Act for Navajoland Nursing Homes, Inc., an Arizona nonprofit corporation.

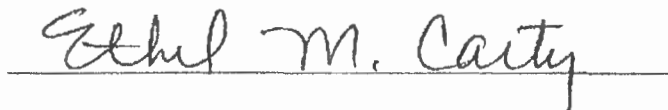


STATE OF ARIZONA)
)
COUNTY OF APACHE)

ss.

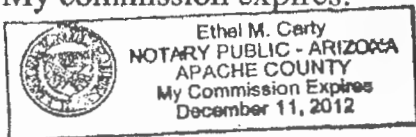
Subscribed and sworn to before me

on July 28, 2009.



 Notary Public

My commission expires:



12/11/2012

NAVAJOLAND NURSING HOME, INC.
DBA-CHINLE NURSING HOME



Board of Directors
BY-LAWS

SECTION I – Introduction

A. Vision

To continue giving LIFE to our elderlies. To continue giving life to our Native Elders.

B. Mission Statement

To provide a full complement care services offering quality, compassion, integrity, expertise and to build relationship with our elders.

C. Statement of History and Needs

Based on Census 2000, there are 6,519 Navajo individuals living on the reservation over the age of 65+ or less than 4% of the total Navajo population. The Navajo Nation Division of Health Improvement Services and Aging Service Department has estimated that approximately 1,200 Navajo individuals living on the reservation are in need of extended care. Others who may need extended care include disabled Veterans, accident victims who no longer require acute care and the handicapped. Further research is necessary to more exactly determine the number of Navajo individuals in need of extended care services.

The need for nursing home care services for the Navajo people has become increasingly important during the last 20 to 30 years, as a consequence of modernization and the breakdown of the Navajo family. Formerly, elderly individuals had a secure place within the extended family; many younger members of the family are now moving away to urban areas to seek employment and other urban amenities. Provisions have not been made for the accommodation of the aged to have family members. The increased use of motor vehicles and consequent injuries and deaths from accidents has also created a need for extended care facilities to care for elderly family survivors and those disabled.

Housing problems, lack of water and fuel, poor sanitation, inadequate finances and lack of transportation contributes to the placement of persons institutionalized in nursing homes.

At the present time there is only one licensed nursing facility for adults on the Navajo Nation. Chinle Nursing Home is a 79-bed capacity facility located in Chinle, next to the Indian Health Service facility, in Apache County, small community in Northern Arizona.

To the end of life that Navajo elderly and disabled receive adequate nursing care and residential services.

SECTION II – Name and Location

Navajoland Nursing Homes, Inc. (NNHI) is organized as a non-profit organization to provide nursing home care services at the level I, intermediate, personal assisted nursing care services. The different levels of nursing care services shall be defined within the regulations and standards of the State of Arizona, Health Care Facilities and the Center for Medicare/Medicaid Services.

- A. Name: The name of the corporation shall be "Navajoland Nursing Homes, Inc."
- B. Location: The principal place of business office of the corporation shall be at Chinle Nursing Home, with the following address:
- Hwy 191 Hospital Road
Post Office Box 910
Chinle, Arizona 86503
- C. Place of business: Navajoland Nursing Homes, Inc. may also have offices in other places as the Board of Directors may deem necessary.

SECTION III – Duration

The duration of the nursing homes corporation shall be perpetual.

SECTION IV – Purpose

The purposes for which the incorporation shall be organized are:

- A.. To provide nursing home services to Native Americans and others; that reflects the highest optimal level of efficient and effective nursing home services within an adequate funding sources.
- B. To extend nursing care resources on the Navajo reservation to enable the Native Americans and local residents to remain within the home boundaries. To that end, the cultural heritage and the traditional concept shall be preserved and promoted on a daily basis.

SECTION V – Board of Directors

- A. Direction of purposes and exercise of powers by Board of Directors. The purpose, responsibilities and duties of the Navajoland Nursing Homes, Inc. shall be carried out by the Board of Directors. Subject to applicable state, federal and tribal laws and regulations, the Board of Directors shall direct the purposes and exercise the following responsibilities and duties.
1. The Board is authorized to direct the management and operation the nursing home operations or matters thereto.
 2. The Board is authorized to direct the operation to accomplish the purposes set forth in Section IV, hereof and to exercise the responsibilities set forth in paragraph B below, and all parties dealing with the nursing home shall have the right to rely upon any action taken by the Board pursuant to such authorization.
 3. The Board shall exercise authority and shall be responsible for the taking of any and all usual, necessary and convenient action incidental thereto including, should it be deemed advisable or desirable, the borrowing of funds and the making of contracts or commitments necessary to the functioning of the organization.
 4. The Board shall be expected to exercise its authority in the best interest of the nursing home within the limits of responsible business judgment and with the stipulation that it shall not incur contract obligations in excess of the ability of the nursing home to perform on the date due.

5. The Board shall appoint from its own membership a President of the Board and other officers, and shall adopt such rules as it may determine necessary for the orderly conduct of its business.
 6. The board has established purchasing policies and procedures, giving usual and essential latitude to the Chief Executive Officer (CEO) and his/her delegated employees, but establishing limitations on amounts which may be expended without specific approval of the board.
 7. The Board may adopt the uses of corporate seal by causing it or a facsimile thereof, to be impressed or affixed or in any other manner reproduced.
 8. The Board may establish and maintain such bank accounts as may be necessary or convenient.
- B. Enumerated Powers. Subject to applicable state, federal and tribal laws and regulations, and solely in furtherance of the limited purposes set forth in Section IV, the Board shall have the following responsibilities:
1. Capacity to Act.
To have the capacity to act and to direct the officers of the Navajoland Nursing Homes, Inc. to act in the same capacity as that of natural persons, but to have authority to perform only such acts as are necessary, convenient or expedient to accomplish the purposes set forth in Section IV, and such are not repugnant to laws and regulations applicable to the nursing home.
 2. To Appoint Officers and Agents.
To appoint officers, agents, planners, auditors and such professional consultants as in the opinion of the Board may be needed from time to time and to define their duties and fix their compensation. The Board at the expense of Navajoland Nursing Homes, Inc., shall require the bonding of all officers, agents employees responsible for the handling or safeguarding of funds, property of and other assets of the nursing home.
 3. To Act as Agent.
To act in any state, territory, district or possession of the United States or in foreign country for and on behalf of the nursing home.
 4. To Deal in Personal Property, Generally.
To acquire (by purchase, exchange, lease, hire or otherwise) hold , own, manage, mortgage, pledge, hypothecate, sell, deal in and dispose of, either along or in conjunction with others, personal property, any interest therein and commodities of every kind, character and description necessary or incidental to the purpose set forth in Section IV.
 5. To Execute Guarantees.
To make any guarantees respecting indebtedness, interest, contracts or other obligations lawfully entered into by or on behalf of the nursing home to the extent that such guarantee is made in pursuance of the purposes set forth in Section IV.

6. To Make Contracts.

To enter into, make, perform and carry out or cancel or rescind contracts for any lawful purposes set forth in Section IV.

7. To Approve Budgets.

To establish, approve, adopt and amend the annual special project budgets of the Navajoland Nursing Homes, Inc. and take final approval action with reference to the use of funds under the exclusive control of the Navajoland Nursing Homes, Inc. for operating and other purposes.

C. Ancillary Powers. To have and exercise all powers necessary or convenient to affect any or all of the purposes for which the nursing home facility is organized.

D. No Construction of Powers as Purposes. The powers enumerated herein shall not be constructed as purposes by the Navajoland Nursing Homes, Inc. shall have and exercise such powers solely in furtherance of, but not in addition to the limited purposes set forth in Section IV hereinabove.

E. Membership, Number, Qualifications and Ex-Officio.

1. Number.

The Board shall consist of four (4) persons to be appointed by the Board of Directors than in office.

2. Qualifications.

The members of the Board shall be called Board of Directors and shall have the following qualifications:

a. One half (1/2) of the Board of Directors shall be members of the Navajo Tribe, who speak English fluently and who have sufficient education, experience and dedication to improve the health of the Navajo people as to qualify them for such leadership and making sound judgments.

b. One half (1/2) of the Board of Directors shall be persons having not less than ten years experience or professional training and education in health or health related affairs, planning development, education, operations or administration.

3. The Board shall have preference to persons possessing the following qualifications in addition to their being qualified under 2a and 2b above.

- a. The business community.
- b. An American Indian of Navajo heritage.
- c. The legal profession.
- d. An Chief Executive Officer (CEO) of nursing homes of various levels; skilled, intermediate, personal, and boarding house placement.
- e. A practicing physician.
- f. A registered nurse.
- g. A Navajo Practitioner of the healing arts.

F. Term of Office. Four (4) years.

Each member will serve four (4) year term with each member, term ending on their birthday and reappointment can be made on their birthday.

1. The Board of Directors determine/recommended each board member shall serve staggered terms with each member re-appointed at one of the quarterly meetings before their birthday. (See Exhibit "A: attachment).

G. Vacancies.

1. At any time a Board of Director may voluntarily resign his/her position or may be removed by majority vote of the Board. The board shall appoint a temporary member to constitute a quorum, until a permanent appointment is made.

H. Meetings.

1. Annual meetings(Agenda not required)

The annual meeting of the Board shall be held the month of April each year; date and time determine by the members. No notices shall be required for the annual meeting.

2. Regular meetings (Agenda Required)

The Board shall meet on the third Thursday of January, April, July and October, respectively and upon notice fixing the time and place. The Board may agree by majority vote of those present at the previous meeting to substitute an alternate regular meeting arrangement as may from time to time be more convenient or appropriate to their needs.

3. Special meetings (Agenda required for specific items only).

Special meetings of the Board may be held upon notice given by the President of the Board, or the Secretary, or by any three members of the Board, at such place as the Board shall direct or as shall be fixed by the notice.

4. Notice.

- a. Notice of meetings, stating the time and date, shall be given in writing by letter, telegram or radiogram, properly addressed to each member according to the latest available NNHI records, not later than five days nor more than thirty days immediately preceding the meeting, excluding the day of the meeting.
- b. Notice may be waived in writing, signed by the member of members entitled to such notice, whether before or after the time stated, therein, and such waiver shall be deemed equivalent to the giving of such notice. Attendance of any member at the special meeting shall constitute a waiver of notice.

I. Quorum.

The number of members required to constitute a quorum for the transaction shall be three (3).

J. Voting

No individual board member or members shall have any authority to act as or on behalf of the board unless such authority is specifically provided herein or as specifically authorized by written board resolution.

K. Agenda.

Any regular or special meeting of the Board at which a quorum is present may consider any matter pertaining to the nursing home, or its lawful purposes.

L. Resolution.

1. Except when otherwise directed by their terms, all resolutions of the Board are effective immediately upon their passage.
2. Copies of all resolutions shall be kept on file at the Finance, HRC and CEO's office of Navajoland Nursing Homes, Inc.
3. Copies of all resolutions of the Board shall be made available to all members of the Board and to others upon a showing of need.

M. Minutes and Records.

1. A written record accurately describing the content and action of all meetings shall be kept in the form of minutes.
2. Minutes of the Board shall be made available to all members of the Board and to others upon a showing of need.

N. Board Work Sessions (No agenda required)

1. Board Members request for work sessions to update or amend NNHI policies, budgets, workshops, meeting with organizations, other important NNHI matters where a quorum and agenda is not required.

O. Mileage, Per Diem and Stipend.

1. The Board of Directors shall be entitled to receive stipend or per diem and mileage allowances. Stipend and travel reimbursement shall be paid to all Board members for each regular, annual & special board meeting's (agenda required) they attend. Per Diem and mileages reimbursement paid for work sessions and annual meeting (Agenda not required).
2. The voting members of the Board shall be full-time representative of the Navajoland Nursing Homes, Inc. and shall be entitled to receive honorary compensation for their services in an amount to pursuant to the By-Laws.
3. All members shall be reimbursed pursuant to the Chinle Nursing Home (CNH) By-laws policy and Government Services Administration (GSA) maximum transportation, lodging and meal reimbursement rates.
 - a. Stipend per board meeting \$200.00 (Board meetings with agenda)
 - b. Mileage rate - \$0.50 per mile (Board mtgs. & Work sessions)
 - c. Per Diem - \$75.00 per day (Work sessions only)

SECTION VI – Principal Officers of the Navajoland Nursing Homes, Inc.

A. Number.

The principal officers of the Navajoland Nursing Homes, Inc. shall consist of the following:

1. The President of the Board, who must be a voting member of the Board and will also act as President.
2. The Vice President of the Board, who must be a voting member of the Board.
3. The Secretary of the Board, who must be a voting member of the Board.
4. The Treasurer, who must be a voting member of the Board.
5. Any two of these positions may be filled by the same persons, unless otherwise prohibited by definition or this plan of operation.

B. General Duties.

All officers and agents of the Navajoland Nursing Homes, Inc. shall have the following duties and such other duties as may be determined by resolution of the Board not inconsistent with these by-laws.

1. President of the Board.

The President of the Board shall preside at all meetings of the Board, if present, and shall in general perform all duties incident to the office of the President of the Board, and the office of the President such other duties as from time to time may be assigned to him by the Board. The President has the authority to conduct the CEO's annual performance evaluation. The President of the board has the authority to approve funds or expenditures more than \$5,000.00, but not to exceed \$10,000.00.

2. Vice President of the Board.

The Vice President of the Board shall act in the full capacity of the President in the absence of the latter. He/she shall be responsible for any additional duties designated by the President.

3. Secretary of the Board.

The Secretary of the Board shall keep minutes of the regular and special meetings of the Navajoland Nursing Homes, Inc. He/she shall see that all notices are duly given in accordance with the provisions of this plan of operation. He/she shall be custodian of the seal and records and in general, shall perform all duties incident to the office of the Secretary, and such other duties as may from time to time be assigned to him/her by the Board, or the President.

4. Treasurer of the Board.

The Treasurer of the Board shall be the NNHI financial officer of the Navajoland Nursing homes, Inc., and shall have charge and custody of and be responsible for all funds of the NNHI and shall deposit such funds in such banks, trust companies or other depositories as shall have been approved by the Board. He/she shall receive and give receipts for monies due and payable to the NNHI

from any sources whatsoever, and in general, shall perform all duties incident to the office of the Treasurer, and such other duties as from time to time may be assigned to him/her by the Board, or the President. The Treasurer shall render to the President and the Board, whenever the same may be required and account for all his/her transactions as Treasurer and of the financial condition of NNHI. He/she shall at the expense of his/her the faithful performance and discharge of his/her duties in such amount so conditioned and with such surety or sureties and the Board may require.

C. Election, Term of Office and Qualification.

The officers shall be elected every four (4) years. Each officer shall hold office for four (4) years or until his/her successor is appointed, or until she/he has resigned or removed pursuant to policy.

D. Removal.

Any officer elected or agent appointed by the Board whenever in its judgment, the best interest of the NNHI will be served thereby, but in the absence of dereliction in duty, negligence or malfeasance in office, or any other good cause shown, such removal shall be without prejudice to the contract rights, if any of the agents who are removed; provided however, the Chief Executive Officer (CEO) may be removed only pursuant to any approved contract provision or personnel policy.

E. Resignation.

Any officer may resign at any time by giving written notice to the Board, or the President or the Secretary; such resignation shall take effect at the time specified therein and unless otherwise specified therein; the acceptance of such resignation shall not be necessary to make it effective.

F. Vacancies.

Any member vacancy because of resignation, removal or any other cause shall be filled for the unexpired portion of the term in the manner prescribed herein for appointment to such office.

G. Compensation.

All officers shall be reimbursed for all reasonable and actual expenses incurred in pursuit of their duties on behalf of NNHI set forth in Section V. N. 3. They shall be entitled to receive honorary compensation for their additional services as officers, in an amount pursuant to the By-Laws.

SECTION VII – Other Officers and Agents

The Board may appoint such other officers and agents as it seems necessary or expedient and may determine their duties, terms and compensation.

SECTION VIII – Chief Executive Officer (CEO)

- A. The Chief Executive Officer (CEO) shall be employed as a regular employee with full benefits, and shall be responsible to the Board.

- B. He/she executes the general policies formulated by the Board and organizes the operation of the nursing home and facilities into departments, each with its own specific duties and responsibilities.
- C. He/she shall exercise his best judgment in the determination of the ways and means by which general policy set forth by the Board is to be effectuated.
- D. In case of an emergency, the Chief Executive Officer (CEO) shall be responsible to contact the Board of Directors President and the Board of Directors by phone within 24 hours. The emergency must be an unexpected situation that requires prompt action by the Board of Directors, for example; loss of major vendors contract, loss of professional contracts, etc.
- E. He/she shall be the active operation executive to NNHI and shall prepare plans and annual budgets and make suggestions as to policies and any proposals for improvements.
- F. He/she shall have the full authority and control overall employees of the nursing home and directly or through his designee and shall be responsible for all department heads or other executive carrying out their assignments.
- G. He/she shall be responsible for the general supervision of the performance of staff in respect to all such matters as conformance to approved budgets, standards, program inspection, cost control, employee relations, and in-service training.
- H. He/she shall render regular reports to the Board and perform all other applicable functions and duties specified in the plan of operation.
- I. The CEO shall be furnished transportation 24 hours a day, seven (7) day week and shall be reimbursed for any personal expenses he/she may incur in carrying out the CEO responsibilities/duties.
- J. The Chief Executive Officer (CEO) shall employ competent staff, executives and department heads including nursing personnel on contract for the usual functional responsibilities of the nursing home and facilities.
- K. He/she shall have final personnel action approvals, other than sick leave or annual leave, affecting personnel occupying positions approval.
- L. He/she shall have the authority to approve financial obligation not exceeding \$10,000 for emergency, staff bonuses or special awards. The CNH Board Chairman shall have the authority to approve funds more than \$10,000 not exceeding \$20,000 for staff bonuses, special wards or any emergency. Any amount exceeding \$20,000 shall require full board approval.
- M. It shall be the responsibility of the Chief Executive Officer (CEO) to employ his/her authority in a manner which will insure maximum effectiveness of all activities of the nursing home.
- N. When it is necessary for the Chief Executive Officer (CEO) to be absent from the principal office of the corporation, he/she shall designate by formal memorandum, the individuals, in order of authority, who are to be responsible for the operation of the nursing home or until his/her return.

Amend: 2/09, 11/10/, 4/11/7/14

NAVAJO NATION

RCS# 981

2/16/2018

Special Session

02:53:04 PM

Amd# to Amd#

Legislation No. 0007-18

PASSED

MOT Pete

\$4,200,000.00 for Chinle

SEC Bennett

Nursing Home utilizing
UUFb funds

Yea : 16

Nay : 0

Excused : 3

Not Voting : 5

Yea : 16

Begay, K

Bennett

Hale

Smith

Begay, NM

Chee

Perry

Tso

Begay, S

Crotty

Pete

Witherspoon

BeGaye, N

Daniels

Slim

Yazzie

Nay : 0

Excused : 3

Brown

Shepherd

Tsosie

Not Voting : 5

Bates

Filfred

Jack

Phelps

Damon