

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0197-24\_

SPONSOR: Otto Tso

**TITLE: An Action Relating to the Health, Education and Human Services, and Naabik'iyáti' Committees; Approving Tuba City Regional Health Care Corporation's Ownership of the Bodaway Gap Health Center and Associated Facilities, Including Staff Quarters and Related Infrastructure, Pursuant to 25 U.S.C. § 5324(f)(2)(A) and 42 C.F.R. § 137.371; and Approving Changing the Health Center's Name to "Echo Cliffs Health Center"**

*Date posted:* August 22, 2024 at 4:08PM

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## LEGISLATIVE SUMMARY SHEET

Tracking No. 0197-24

**DATE:** August 21, 2024

**TITLE OF RESOLUTION:** PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO THE HEALTH EDUCATION AND HUMAN SERVICES, AND NAABIK'ÍYÁTI COMMITTEES; APPROVING TUBA CITY REGIONAL HEALTH CARE CORPORATION'S OWNERSHIP OF THE BODAWAY GAP HEALTH CENTER AND ASSOCIATED FACILITIES, INCLUDING STAFF QUARTERS AND RELATED INFRASTRUCTURE, PURSUANT TO 25 U.S.C. § 5324(f)(2)(A) and 42 C.F.R. § 137.371; AND APPROVING CHANGING THE HEALTH CENTER'S NAME TO "ECHO CLIFFS HEALTH CENTER"

**PURPOSE:** The purpose of the resolution is to approve Tuba City Regional Health Care Corporation to assume ownership of and take title to the Echo Cliffs Health Center and associated facilities and to approve the name change from "Bodaway Gap Health Center," the original name of the proposed Health Center for planning purposes, to "Echo Cliffs Health Center."

**Final Authority:** Naabik'íyáti' Committee

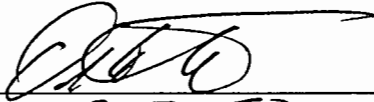

**Vote Required:** Simple majority

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

5-DAY BILL HOLD PERIOD ASD  
Website Posting Time/Date \_\_\_\_\_  
Posting End Date: 08-27-24  
Eligible for Action: 08-28-24

1 PROPOSED STANDING COMMITTEE RESOLUTION  
2 25<sup>th</sup> NAVAJO NATION COUNCIL – Second Year, 2024

3 INTRODUCED BY

4   
5 \_\_\_\_\_  
6 (Prime Sponsor)  
7 Casey Allen Johnson  
8 TRACKING NO. 0197-24 

9  
10 AN ACTION

11 RELATING TO THE HEALTH EDUCATION AND HUMAN SERVICES, AND  
12 NAABIK'ÍYÁTI COMMITTEES; APPROVING TUBA CITY REGIONAL  
13 HEALTH CARE CORPORATION'S OWNERSHIP OF THE BODAWAY GAP  
14 HEALTH CENTER AND ASSOCIATED FACILITIES, INCLUDING STAFF  
15 QUARTERS AND RELATED INFRASTRUCTURE, PURSUANT TO 25 U.S.C. §  
16 5324(f)(2)(A) and 42 C.F.R. § 137.371; AND APPROVING CHANGING THE  
17 HEALTH CENTER'S NAME TO "ECHO CLIFFS HEALTH CENTER"

18  
19 BE IT ENACTED:

20  
21 SECTION ONE. AUTHORITY

22 A. The Health, Education and Human Services Committee is a standing committee of the  
23 Navajo Nation Council, and has authority to review and recommend resolutions  
24 relating to social services, health, environmental health, education, veterans and  
25 veterans services, employment and labor. 2 N.N.C. §§ 400(A), 401(B)(6)(a).

26 B. The Naabik'iyati' Committee is a standing committee of the Navajo Nation Council and  
27 is empowered to coordinate all federal programs with other standing committees and  
28 branches of the Navajo Nation government to provide the most efficient delivery of  
29 services to the Navajo Nation, and to review and continually monitor the programs and  
30 activities of the federal departments to serve the Navajo People and the Navajo Nation

1 through intergovernmental relationships between the Navajo Nation and such  
2 departments. 2 N.N.C. §§ 700(A), 701(A)(4)(7).

3 C. The Naabik'iyáti' Committee is also authorized to approve contracts with the  
4 departments and agencies of the United States for the implementation of the Indian  
5 Self-Determination and Education Assistance Act, 25 U.S.C. § 5301 *et seq.* (the  
6 "ISDEAA"). 2 N.N.C. § 701(A)(12).

7 D. "[S]ubject to the provisions of subparagraph (B), title to property and equipment  
8 furnished by the Federal Government for use in the performance of the contract or  
9 purchased with funds under any self-determination contract or grant agreement shall,  
10 unless otherwise requested by the tribe or tribal organization, vest in the appropriate  
11 tribe or tribal organization; . . ." 25 U.S.C. 5324(f)(2)(A).

12 E. "The Self-Governance Tribe takes title to the real property unless the Self-Governance  
13 Tribe requests that the Secretary take title to the property." 42 C.F.R. § 137.371.

## 14 15 **SECTION TWO. FINDINGS**

16 A. By Navajo Nation Council Resolution CJY-33-10 (July 21, 2010) and Naabik'iyáti'  
17 Committee Resolution No. NABID-96-18 (Dec. 27, 2018), Tuba City Regional Health  
18 Care Corporation ("TCRHCC") is authorized and designated as a Navajo Nation  
19 "Tribal Organization" for the purpose of contracting and compacting with the U.S.  
20 Department of Health and Human Services, Indian Health Service ("IHS"), under the  
21 ISDEAA.

22 B. Pursuant to TCRHCC's Title V Self-Governance Compact ("Compact") and associated  
23 Funding Agreement under the ISDEAA, TCRHCC operates the former Navajo Area  
24 Tuba City Indian Medical Center in Tuba City, Navajo Nation, Arizona and multiple  
25 satellite facilities and clinics, including mobile clinics, providing services to Indian  
26 Health Service beneficiaries in TCRHCC's service area within the Western Navajo  
27 Agency and Coconino County, including the Cameron, Bodaway/Gap, Coalmine  
28 Canyon, Kaibeto, LeChee, Coppermine, Tonalea, and To'Nanees'Dizi Chapters of the  
29 Navajo Nation, the Hopi Village of Moenkopi, and the San Juan Southern Paiute Tribe.  
30

1 C. In furtherance of TCRHCC's responsibilities as a Tribal Organization under the  
2 ISDEAA, and pursuant to its ISDEAA Compact with IHS, TCRHCC entered into a  
3 Title V Construction Project Agreement, Title Project No. NA 2022-1 (the "TVCPA"),  
4 attached as **Exhibit A**. TCRHCC entered into the TVCPA with the IHS for the design  
5 phase of the new the Bodaway Gap Health Center and associated facilities, including  
6 staff quarters, and related infrastructure. *See Exhibit A*.

7 D. Within the executed TVCPA, **Exhibit A**, Section K, the TVCPA states: "The Parties  
8 therefore anticipate that ownership will vest in TCRHCC and O&M responsibilities  
9 will be TCRHCC's upon completion of construction."

10 E. TCRHCC and IHS have amended and modified the TVCPA by Modification No. 1 to  
11 incorporate the construction phase of the Project.

12 F. The local communities have requested that the name of the Bodaway Gap Health  
13 Center be changed to "Echo Cliffs Health Center" (hereinafter the "ECHC"), which  
14 requires approval by the Navajo Nation Council pursuant to TVCPA Modification No.  
15 1, Amendment No. 8, Section F-4.

16 G. Because the Naabik'iyati' Committee reviews and monitors the programs and activities  
17 of the federal departments to serve the Navajo People, and approves ISDEAA contracts  
18 with the federal government, it is proper for the Naabik'iyati' Committee of the Navajo  
19 Nation Council to approve the name change to "Echo Cliffs Health Center." 2 N.N.C.  
20 § 701(A)(7)(12).

21 H. TCRHCC also intends to assume ownership and take title to ECHC, as set forth in  
22 **Exhibit A**, Amendment No. 13, Section K of the TVCPA Modification No. 1 as  
23 follows:

24 Pursuant to 25 U.S.C. § 5324(f)(2)(A) and 42 C.F.R. § 137.371,  
25 TCRHCC will assume ownership of and take title to the [ECHC]  
26 upon concurrence by resolution of the Navajo Nation Council for  
27 TCRHCC's taking title to the [ECHC] and execution of a transfer  
28 agreement by IHS and TCRHCC, which shall be executed within  
29 forty five (45) calendar days of the date of Substantial Completion  
30

1 by TCRHCC, TVCPA Acceptance by IHS, and [Authority Having  
2 Jurisdiction] certification by TCRHCC.

3 **Exhibit A**, Amendment No. 13, Section K.

- 4 I. The purpose of this resolution is for the Navajo Nation to approve and authorize  
5 TCRHCC to assume ownership of and take title of the ECHC as an authorized ISDEAA  
6 Tribal Organization pursuant to 25 U.S.C. 5324(f)(2)(A) and 42 C.F.R. § 137.371; and  
7 TCRHCC plans to execute a transfer agreement by TCRHCC and IHS, which will be  
8 executed within forty five (45) calendar days of the date of “Substantial Completion”  
9 as provided in Amendment No. 13, Section K of the TVCPA Modification No 1. *See*  
10 **Exhibit A**.
- 11 J. TCRHCC has completed the design phase of the ECHC and has acquired appropriate  
12 surface use lease authorizations, by Resolutions Nos. RDCF-08-24, RDCF-09-24, and  
13 RDCF-10-24 of the Resources and Development Committee of the Navajo Nation  
14 Council, to construct and operate the ECHC and staff quarters, with the understanding  
15 that Navajo Tribal Utility Authority may take over ownership and operation of the  
16 associated sewage lagoon and infrastructure at the completion of construction, for the  
17 benefit of TCRHCC and the surrounding community.
- 18 K. Bodaway Gap Chapter, Coppermine Chapter, LeChee Chapter, K’ai’Bii’Tó Chapter,  
19 and To’nanees’dizi Local Government have passed Resolutions, attached as **Exhibit**  
20 **B**, in support of TCRHCC’s designing, constructing, and operating the ECHC, and in  
21 support of TCRHCC’s request for a surface use lease for the ECHC from the Navajo  
22 Nation.
- 23 L. The Board of Directors of TCRHCC have passed a resolution, attached as **Exhibit C**,  
24 supporting and requesting the Navajo Nation Council’s approval of TCRHCC’s taking  
25 title to and ownership of the ECHC and staff quarters,.
- 26 M. It is in the best interest of the local communities and Navajo Nation Chapters to be  
27 served by the ECHC, and the Navajo Nation, for the Navajo Nation to approve and  
28 authorize TCRHCC to assume ownership of and take title to the ECHC as an authorized  
29 ISDEAA Tribal Organization pursuant to 25 U.S.C. 5324(f)(2)(A) and 42 C.F.R. §  
30 137.371.

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**SECTION THREE. APPROVAL**

- A. The Navajo Nation hereby approves and authorizes Tuba City Regional Health Care Corporation to assume ownership of and take title to the Echo Cliffs Health Center and associated facilities, including staff quarters and related infrastructure, pursuant to TVCPA Modification No. 1, attached hereto as **Exhibit A**, 25 U.S.C. § 5324(f)(2)(A), and 42 C.F.R. § 137.371, with the understanding that Tuba City Regional Health Care Corporation may transfer ownership and operation of the associated sewage lagoon to Navajo Tribal Utility Authority at the completion of construction, for the benefit of TCRHCC and the surrounding community.
- B. The Navajo Nation hereby approves the name change from “Bodaway Gap Health Center,” the original name of the proposed Health Center for planning purposes, to “Echo Cliffs Health Center.”