



The 24TH NAVAJO NATION COUNCIL
Office of the Speaker

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Naabik'iyáti' Committee regular meeting debate on 638 designation, veto override legislation

WINDOW ROCK – Dec. 18, 2019 – The Naabik'iyáti' Committee of the 24th Navajo Nation Council convened late into the evening hours of Dec. 12 during their regular meeting. The committee spent more than three hours debating the Four Corners legislation.

Legislation No. 0316-19 was for designation of “Tribal Organization” status to Four Corners Regional Health Center, Inc. for a '638 contract agreement for a period of 15 years. Controversy from the selection of Razaghi Healthcare, Inc. for management sparked debate on the Council floor, especially since CEO Ahmad Razaghi was being sued by Sage Memorial Hospital for \$30 million for alleged financial misuse from hospital operations back in 2013.

Delegate Pernell Halona (Bahastl'a'a', Coyote Canyon, Mexican Springs, Naschitti, Tohatchi) sponsored the legislation and said the bill was based on information that Four Corners Regional did not follow procurement regulations when they hired an outside company to manage tribal healthcare. “Rescind the contract so we can start over. The board and administration are not being straightforward with us,” he said.

In opposition to the legislation was Delegate Otto Tso (To' Nanees Dizi), who said that the legislation troubled him. “How is it going to look? If you want to send a message of uncertainty, have at it,” he said. Tso argued that '638 contracts were a matter of self-determination and termination of Four Corners Regional's '638 status would mean the Navajo Nation could not handle the responsibility of taking over federal programs.

Naabik'iyáti' Committee members debated the legislation at length and covered the topic from different viewpoints. Delegate Amber Crotty (Beclabito, Cove, Gadiiahi-To' Koi, Red Valley, Sheep Springs, Toadlena-Two Grey Hills, Tse'alnaozt'i'i') called for a work session regarding the healthcare of the Northern Agency. She said her worry was over the decision-making capacity of the Four Corners Regional Board. “As



PHOTO: Duane “Chili” Yazzie, Shiprock Chapter President, reported before the NAABIK'ÍYÁTI' COMMITTEE Dec. 12, 2019.



PHOTO: Delegate Otto Tso said if the Navajo Nation rescinded the '638 contract for Four Corners Regional, it would make the Navajo Nation look incapable of self-determination to the federal government.

a delegate, I have been very frank about how I feel about Razaghi Healthcare. Is this something that we can handle administratively?” she asked.

Delegate Charlaine Tso (Aneth, Mexican Water, Red Mesa, Teec Nos Pos, To'likan) called the legislation controversial. “I'm in favor of rescinding this. It is the people first and foremost that we must look out for. We need to go outside our committee and thoroughly analyze it,” she said.

Chairman Daniel Tso (Baca-Prewitt, Casamero Lake,

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Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) made the point that Four Corners Regional never assumed control or took over the operation. However, allowing an outside operation to take control violated the terms of the '638 agreement, he said. "On June 10, by consensus of HEHSC, I signed a letter telling Four Corners Regional that we were concerned that they violated the terms of the agreement."

Chief Legislative Counsel Dana Bobroff said IHS is still operating the facility. Since getting approval from Naabik'iyáti' Committee to apply for a '638 contract, Bobroff said Four Corners Regional hasn't gone far. "IHS is still running day-to-day operations. If rescinded, others could enter to apply for '638 to take it over. Nothing changes the health services being offered today," she said. Bobroff noted there was no need to say Four Corners Regional was being returned to IHS because it was never taken from IHS. The legislation passed by a vote of 11-3 to rescind the designation. Naabik'iyáti' Committee is the final authority.

The committee passed 10 legislative items by consent decree, ranging from approval of reinstatement of a tribal member, approval of probationary appointments for district judges, and appointments to the Navajo Nation Telecommunications Regulatory Commission. A motion to approve the veto override legislation via consent decree failed and the committee debated whether or not to hear from President Jonathan Nez on his decision to veto Council legislation.

When the committee began debating Legislation No. 0362-19, Delegate Nathaniel Brown began by recounting how past delegates deliberated within the council chamber about the day that the Navajo people would have their own utility. "Today, we have our first-ever large-scale solar utility and it's clear that NTUA is one of our most financially stable enterprises," he said. Brown sponsored the legislation and said NTUA employs 750-plus employees and more than 90 percent of the workforce is Navajo.

Walter Haas, NTUA General Manager, went through a PowerPoint presentation with the committee and said the enterprise was "capital intensive." "Smaller increments of funding are not going to allow us to grow. This is the time and place for the Navajo Nation to grow," he said. President Nez addressed the committee next and said the debt ceiling for NTUA was currently at \$500 million and that the company was close to maxing out. "Will the enterprise monopolize renewable energy in the future?" he asked.

President Nez said he was open to a gradual increase that involved tribal leadership in negotiations. He



PHOTO: Navajo Election Administration director Murray Lee makes his case for the veto override of legislation for Navajo elections and Navajo Board of Election Supervisors authority to appoint for certain vacancies.



PHOTO: Walter Haase, NTUA General Manager, said the enterprise is "capital intensive" and that raising the debt ceiling would allow the company grow renewable energy development on the Navajo Nation.

said 500 megawatts power line is available to the Navajo Nation with the closure of Navajo Generating Station. "I just want you to understand the magnitude of what you're doing. Be careful and hold our enterprises accountable," Nez said.

Delegate Daniel Tso said he voted against the original legislation and called the bill to raise NTUA's debt limit to \$1.5 billion "very discriminatory." He said the work documented in the proposed work plan was focused on Arizona customers and had little mention of New Mexico. "The 31 chapters of Eastern Navajo Agency aren't included. In that aspect, it's very discriminatory," he said.

After much debate, Legislation 0362-19 passed by a vote of 11-2 and was advanced to the Navajo Nation Council Winter Session for consideration. The other override legislation also passed: Legislation 0358-19 passed by a vote of 11-3. Legislation No. 0360-19 passed by a vote of 12-2. Legislation 0370-19 passed by a vote of 12-1. The veto override legislation items were all moved forward to the full Council for consideration in Jan. 2020.

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