RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing Settlement with the Indian Health Service on Tribal Shares Funding
for the Tohono O'odham Nation)

RESOLUTION NO. 15-016

WHEREAS, the Tohono O'odham Legislative Council has the authority "to promote, protect
and provide for public health, peace, morals, education and general welfare of
the Tohono O'odham Nation and its members" and to "consult, negotiate and
conclude agreements and contracts on behalf of the Tohono O'odham Nation
with Federal, State and local governments" (Constitution, Article VI, Section 1
(c)(2) and Section 1(f)); and

WHEREAS, the Tohono O'odham Nation ("Nation") has historically contracted for certain
federal programs, functions, services or activities ("PFSAs") of the Secretary of
the U.S. Department of Health and Human Services, acting through the Indian
Health Service ("IHS"), pursuant to the authority conferred on the Nation by the
Indian Self-Determination and Education Assistance Act of 1975 (P.L. 93-638; 25
U.S.C. § 450 et seq.); and

WHEREAS, the Nation has entered into Contract No. HHS1249200400001C, dated October 1,
2003, with IHS for the management of certain health services; and

WHEREAS, beginning in 2010, the Nation entered into discussions with the IHS Tucson Area
Office and the Pascua Yaqui Tribe to discuss the allocation of Area Office Tribal
Shares; and

WHEREAS, in 2011, pursuant to Resolution No. 11-588, the Nation approved the workload
analysis methodology as the Nation's official position for allocation of the Area
Office Tribal Shares; and

WHEREAS, in August 2013, pursuant to Resolution No. 13-326, the Nation submitted a
proposal to contract with IHS for its Tribal Shares of the Area and Headquarters
office, and the Nation's request for Area Office Tribal Shares funding utilized the
workload analysis methodology; and

WHEREAS, on May 19, 2014, IHS partially declined the Nation's proposal, refusing to use the
workload analysis methodology to determine the allocation of Area Tribal
Shares; and

WHEREAS, IHS decided instead to apply a user population methodology that was less
favorable to the Nation; and
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WHEREAS, on June 5, 2014, the Nation adopted Resolution No. 14-226, authorizing legal action to challenge IHS’s partial declination of the Nation’s tribal shares proposal; and

WHEREAS, the Nation and IHS have negotiated a settlement of these claims under which legal action will be terminated in return for an agreement that is favorable to the Nation.

NOW, THEREFORE, BE IT RESOLVED that the Tohono O’odham Legislative Council approves the proposed Settlement Agreement substantially in the form attached hereto.

BE IT FURTHER RESOLVED that the Tohono O’odham Legislative Council authorizes the Nation’s attorney Lloyd Miller to take all actions necessary to conclude and implement the settlement and carry out this Resolution, including execution of the Settlement Agreement.

The foregoing Resolution was passed by the Tohono O’odham Legislative Council on the 16th day of January, 2015 at a meeting at which a quorum was present with a vote of 2,946.5 FOR; 0 AGAINST; 0 NOT VOTING; and 02 ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(c)(2) and 1(f) of the Constitution of the Tohono O’odham Nation, adopted by the Tohono O’odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).

TOHONO O’ODHAM LEGISLATIVE COUNCIL

[Signature]

Timothy Joaquin, Legislative Chairman

16 day of January, 2015

ATTEST:

[Signature]

Evonne Wilson, Legislative Secretary

16 day of January, 2015

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O’odham Nation on the 16th day of January, 2015 at 5:10 o’clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.
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Timothy Joaquin, Legislative Chairman

[✓] APPROVED on the 16 day of January, 2015
[ ] DISAPPROVED

at 4:07 o'clock, a.m.

NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 16 day of
January, 2015, at 4:10 o'clock, p.m.

Evonne Wilson, Legislative Secretary