RESOLUTION OF THE TOHONO O’ODHAM LEGISLATIVE COUNCIL
(Authorizing Further Legal Action Against the U.S. Department of Health and Human Services and Its Agency the Indian Health Service)

RESOLUTION NO. 15-340

WHEREAS, the Constitution of the Tohono O’odham Nation authorizes the Legislative Council to “promote, protect and provide for public health, peace, morals, education and general welfare of the Tohono O’odham Nation and its members” (Constitution, Article VI, Section 1 (c)(2)); and

WHEREAS, in August 2015, the Nation became aware through court pleadings in Case No. 2-14-cv-00943 (D. Ariz.) that the Gila River Indian Community (GRIC) and Indian Health Service are finalizing a settlement of GRIC’s claims that it receive more funding from IHS to serve certain Tohono O’odham Nation patients; and

WHEREAS, the Indian Self-Determination and Education Assistance Act prevents the Indian Health Service from taking funds dedicated to serving the Nation’s members and transferring it to another Tribe; and

WHEREAS, based on the information available, the Legislative Council believes the proposed settlement may impact funds available for health services for the Nation’s patients; and

WHEREAS, by Resolution No. 14-227, the Legislative Council approved an attorney contract with the law firm of Sonosky, Chambers, Sachse, Miller & Munson, LLP to represent the Nation in legal proceedings arising from the Nation’s Public Law 93-638 contract with the Indian Health Service; and

WHEREAS, this issue relates to the Nation’s existing contract with the Indian Health Service and any additional contracts the Nation may choose to enter; and

WHEREAS, the Nation has been unable to obtain information from the Indian Health Service related to the GRIC litigation and other matters related to funding for health services provided to the members of the Nation; and

WHEREAS, this resolution has been reviewed by the Health and Human Services Committee, which recommends approval by the Legislative Council.

NOW, THEREFORE, BE IT RESOLVED by the Tohono O’odham Legislative Council that Sonosky Chambers law firm in consultation with the Office of the Attorney General is authorized to intervene in the Gila River Indian Community litigation or take any legal action deemed appropriate to protect the Nation’s interests.
RESOLUTION NO. 15-340
(Authorizing Further Legal Action Against the U.S. Department of Health and Human Services and Its Agency the Indian Health Service)

Page 2 of 3

BE IT FINALLY RESOLVED that the Sonosky Chambers law firm in consultation with the Office of Attorney General is authorized to take any legal action deemed appropriate to obtain information from the Indian Health Service that is required for the Nation to move forward with assumption of additional IHS programs.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 21st day of AUGUST, 2015 at a meeting at which a quorum was present with a vote of 2,815.6 FOR; -0- AGAINST; -0- NOT VOTING; and 205.8 [04] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(c)(2) 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

Timothy Joaquin, Legislative Chairman

25 day of August, 2015

ATTEST:

Evonne Wilson, Legislative Secretary

24 day of August, 2015

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'dham Nation on the 25th day of August, 2015 at 10:14 o'clock, AM., 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.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Timothy Joaquin, Legislative Chairman
RESOLUTION NO. 15-340
(Authorizing Further Legal Action Against the U.S. Department of Health and Human Services and Its Agency the Indian Health Service)

[ ] APPROVED on the 26th day of August, 2015
[ ] DISAPPROVED at 7:44 o'clock, P.M.

Edward D. Manuel
Chairman
Tohono O'odham Nation

Returned to the Legislative Secretary on the 27th day of August, 2015, at 9:25 o'clock, A.M.

Evonne Wilson, Legislative Secretary
**RESOLUTION NO. 15-340**

**ACTION:** AUTHORIZING FURTHER LEGAL ACTION AGAINST THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES AND ITS AGENCY THE INDIAN HEALTH SERVICE

**MOVED:** COUNCILMAN DANIEL L.A. PRESTON III  
**SECOND:** COUNCILMAN ANTHONY FRANCISCO, JR.  
**DATE:** AUGUST 21, 2015

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>LEGISLATIVE REPRESENTATIVES</th>
<th># OF VOTES</th>
<th>FOR</th>
<th>AGAINST</th>
<th>NOT VOTING</th>
<th>ABSENT</th>
</tr>
</thead>
</table>
| BABOQUIVARI 367.2 | 1. FRANCES MIGUEL (Absent) (Roberta E. Harvey) (Present)  
                   2. VERNON J. SMITH (Gloria Zazueta) | 183.6      | X   |         |            | X      |
| CHUKUT KUK 332.1  | 1. ETHEL GARCIA (Absent) (MarlaKay K. Henry) (Present)  
                   2. BILLMAN LOPEZ (Patricia Vicenti) | 166.05     | X   |         |            | X      |
| GUACHI 265.0    | 1. TIMOTHY L. JOAQUIN (Louis L. Johnson)  
                   2. LORETTA LEWIS (Jeffery Antone, Sr.) | 132.5      | X   |         |            | X      |
| GUVO 250.6      | 1. GRACE MANUEL (Absent) (Dallas Lewis) (Present)  
                   2. PAMELA ANGHIIL (Jeffery Antone, Sr.) | 125.3      | X   |         |            | X      |
| HICKIWAN 205.8  | 1. LOUIS R. LOPEZ (Shirley Molina)  
                   2. SANDRA ORTEGA (Jeffery Antone, Sr.) | 102.9      |     |         |            | X      |
| PISINEMO 219.9  | 1. CHESTER ANTOINE (Tony Murrletta)  
                   2. MONICA K. MORGAN (Jeffery Antone, Sr.) | 109.95     | X   |         |            | X      |
| SAN LUCY 226.5  | 1. DIANA MANUEL (Gloria Ramirez)  
                   2. JANA MONTANA (Jeffery Antone, Sr.) | 113.25     | X   |         |            | X      |
| SAN XAVIER 228.6| 1. DANIEL L.A. PRESTON III (Gene Enis)  
                   2. RACHEAL VILSON-STONER (Olivia Villegas-Liston) | 114.3      | X   |         |            | X      |
| SELLIS 513.5    | 1. ARTHUR WILSON (Absent) (Beverly Rivas) (Present)  
                   2. BARBARA HAVIER (Jeffery Antone, Sr.) | 256.75     | X   |         |            | X      |
| SIF OIDAK 231.6 | 1. LUCENDA ALLEN (Nicholas Jose)  
                   2. MARY LOPEZ (Jeffery Antone, Sr.) | 115.8      | X   |         |            | X      |
| **TOTAL**       |                                                                  | 3,021.4    | 2,815.6 | -0-     | -0-        | 205.8  |

[04]