

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Adopting March 2019 Amendments to Tohono O'odham Nation Health Care
Governing Body Bylaws)**

RESOLUTION NO. 19-087

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation vests the Legislative Council with
2 the authority to enact laws "to promote, protect and provide for public health,
3 peace, morals, education and general welfare of the Tohono O'odham Nation and
4 its members" (Constitution, Article VI, Section 1(c)(2)); and

5 **WHEREAS,** by Resolution No. 16-261 and pursuant to the Indian Self-Determination and
6 Education Assistance Act of 1975 (Public Law 93-638, 25 U.S.C. § 450), the
7 Legislative Council approved a self-governance compact between the Tohono
8 O'odham Nation and United States Department of Health and Human Services,
9 Indian Health Service for the assumption of certain health-related federal
10 programs, functions, services, and activities, including the operation and
11 management of the Sells Hospital and other health care facilities; and

12 **WHEREAS,** pursuant to 42 C.F.R. § 482.12 Condition of participation: Governing body, a
13 hospital participating in Medicare must have "an effective governing body that is
14 legally responsible for the conduct of the hospital" or, "[i]f a hospital does not
15 have an organized governing body, the persons legally responsible for the
16 conduct of the hospital must carry out the functions specified in this part that
17 pertain to the governing body."; and

18 **WHEREAS,** by Resolution No. 16-308, "Establishing Tohono O'odham Nation Health Care
19 Governing Body and Appointing Interim Members," and subsequently by
20 Resolution No. 16-487, "Affirming Authority of Tohono O'odham Nation Health
21 Care Governing Body and Extending Time to Develop Governing Body Bylaws," the
22 Legislative Council established, authorized, and reaffirmed the authority of the
23 Tohono O'odham Nation Health Care Governing Body, appointed interim
24 Governing Body members, and directed the Department of Health and Human
25 Services and Legislative Council Health and Human Services Committee to draft
26 for the Council's review and approval bylaws for the Tohono O'odham Nation
27 Health Care Governing Body; and

28 **WHEREAS,** by Resolution No. 16-308, the Legislative Council appointed nine voting interim
29 Governing Body members, members of the Patient Advisory Council, Chairman
30 or Vice Chairman of the Nation, the Legislative Council Health and Human
31 Services Committee, and Assistant Attorney General (Health), Office of Attorney
32 General as interim, ex officio, non-voting members; and

33 **WHEREAS,** by Resolution No. 17-026, the Legislative Council approved the January 2017
34 Tohono O'odham Nation Health Care ("TONHC") Governing Body Bylaws,
35 establishing a seven-member governing body legally responsible for the conduct

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1 of the Sells Hospital, San Simon Health Center, Santa Rosa Health Center, and San
2 Xavier Health Center; and

3 **WHEREAS,** with recommendations from TONHC and the Nation's Chairman, the Health and
4 Human Services and Rules Committees proposed amendments to the TONHC
5 Governing Body Bylaws, which are dated March 2019 and incorporated by this
6 reference; and

7 **WHEREAS,** the March 2019 Amendments move TONHC from the Department of Health and
8 Human Services to a separate governmental department within the Executive
9 Branch, reduces the number of voting members from seven to five, adds two ex
10 officio members, and clarifies the quorum provision; and

11 **WHEREAS,** in the interests of supporting the operations of and services provided by TONHC
12 to Nation's members and to further the effective transition of TONHC from an
13 Executive Branch department to a Nation's chartered entity, the Health and
14 Human Services and Rules Committees recommend adoption of the March 2019
15 Amendments to the TONHC Governing Body Bylaws.

16 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council:

- 17 1. Adopts the March 2019 Amendments to the TONHC Governing Body
18 Bylaws, provided that any appointments to the Governing Body under the
19 January 2017 Governing Body Bylaws remain valid; and
20 2. Amends the department name of all previously approved Tohono
21 O'odham Nation Health Care budgets from the Department of Health and
22 Human Services to Tohono O'odham Nation Health Care.

23 **BE IT FINALLY RESOLVED** that the Tohono O'odham Legislative Council directs the Health and
24 Human Services Committee to continue identifying issues and providing
25 recommendations in order to effectively transition Tohono O'odham Nation
26 Health Care from an Executive Branch department to a Nation's chartered entity.

27 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08TH
28 day of MARCH, 2019 at a meeting at which a quorum was present with a vote of 2,271.45 FOR;
29 347.25 AGAINST; -0- NOT VOTING; and 465.9 [07] ABSENT, pursuant to the powers vested in the
30 Council by Article VI, Section 1(c)(2) of the Constitution of the Tohono O'odham Nation, adopted
31 by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy
32 Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the
33 Act of June 18, 1934 (48 Stat.984).

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Timothy C. Joaquin
Timothy Joaquin, Legislative Chairman
11 day of March, 2019

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1 ATTEST:

2 *Evonne Wilson*

3
4 Evonne Wilson, Legislative Secretary

5
6 11 day of March, 2019

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8 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
9 O'odham Nation on the 11 day of March, 2019 at 4:26 o'clock, P.m.,
10 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
11 effective upon his approval or upon his failure to either approve or disapprove it within 48
12 hours of submittal.

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14 TOHONO O'ODHAM LEGISLATIVE COUNCIL

15
16 *Timothy Joaquin* for
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18 Timothy Joaquin, Legislative Chairman

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23 APPROVED

on the 13 day of March, 2019

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25 DISAPPROVED

at 4:23 o'clock, P.m.

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27 EXCEEDED 48 HOURS

28
29 *Edward D. Manuel*
30 EDWARD D. MANUEL, CHAIRMAN
31 TOHONO O'ODHAM NATION

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35 Returned to the Legislative Secretary on the 13 day of

36 March, 2019, at 4:53 o'clock, P.m.

37
38 *Evonne Wilson*
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41 Evonne Wilson, Legislative Secretary

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ACTION: ADOPTING MARCH 2019 AMENDMENTS TO TOHONO O'ODHAM NATION HEALTH CARE GOVERNING BODY BYLAWS

MOVED: COUNCILMAN ANTHONY J. FRANCISCO, JR.

SECOND: COUNCILWOMAN JANICE FELX

DATE: MARCH 08, 2019

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 235.8	1. MARY LOPEZ ()	117.9	X			
	2. LUCINDA ALLEN (Yolonda Garcia)	117.9	X			
SELLS 527.2	1. ARTHUR WILSON (Evelyn Juan Manuel)	263.6	X			
	2. ADRIANNE TILLER ()	263.6	X			X
SCHUK TOAK 185.7	1. ANTHONY J. FRANCISCO JR. (Teresa F. Donahue)	92.85	X			
	2. QUINTIN C. LOPEZ (Agnes V. Joaquin)	92.85	X			
SAN XAVIER 232.3	1. DANIEL L.A. PRESTON III (Felicia Nunez)	116.15		X		
	2. JANICE FELIX (Adam Andrews)	116.15	X			
SAN LUCY 231.1	1. JANA MONTANA (Diana Manuel)	115.55	X			X
	2. GLORIA RAMIREZ (Lorraine Eiler)	115.55		X		
PISINEMO 225.9	1. CHESTER ANTONE (Caroline D. Garcia)	112.95	X			
	2. MONICA K. MORGAN ()	112.95	X			
HICKIWAN 209.0	1. LOUIS R. LOPEZ (Shirley Molina)	104.5				X
	2. SANDRA D. ORTEGA ()	104.5				X
GU VO 256.9	1. GRACE MANUEL ()	128.45				X
	2. DALLAS LEWIS (<i>Absent</i>) (Nacho Flores) (<i>Present</i>)	128.45				X
GU ACHI 270.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	135.45	X			
	2. LORETTA LEWIS (Victoria Hobbs)	135.45	X			
CHUKUT KUK 337.7	1. BILLMAN LOPEZ (<i>Absent</i>) (Patricia Antone) (<i>Present</i>)	168.85	X			
	2. VIVIAN JUAN-SAUNDERS (Juanita Homer)	168.85	X			
BABOQUIVARI 372.1	1. FRANCES MIGUEL (<i>Absent</i>) (Roberta E. Harvey) (<i>Present</i>)	186.05	X			X
	2. LEANDER MASE (Francine Schooling)	186.05	X			
TOTAL		3,084.6	2,271.45	347.25	-0-	465.9 [07]