

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Adopting Amendments to Contracting and Procurement Authority, 26 Tohono
O'odham Code Chapter 1, Article 4)

RESOLUTION NO. 18-168

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" and to "consult, negotiate and conclude agreements and contracts
5 on behalf of the Tohono O'odham Nation with Federal, State and local
6 governments and other Indian tribes or their departments, agencies, or political
7 subdivisions, or with private persons or organizations on all matters within the
8 authority of the Tohono O'odham Council." (Constitution, Article VI, Section
9 1(c)(2) and Section 1(f)); and

10 **WHEREAS,** by Resolution No. 08-707, the Legislative Council enacted the Contracting and
11 Procurement Authority, 26 Tohono O'odham Code Chapter 1, Article 4, which
12 clarifies the contracting authorities of the Nation's three branches of
13 government and specifies which contracts require Legislative Council approval;
14 and

15 **WHEREAS,** by Resolution No. 16-261, the Legislative Council approved authorization for the
16 Nation to assume federal programs, functions, services or activities through a
17 self-governance compact pursuant to Title V of the Indian Self-Determination
18 and Education Assistance Act with the Secretary of the U.S. Department of Health
19 and Human Services, Indian Health Service; and

20 **WHEREAS,** Tohono O'odham Nation Health Care ("TONHC"), operates the Nation's hospital
21 and clinics for the benefit of the Nation's members, requires contracts for goods
22 and services that are necessary to maintain operations, services, and to comply
23 with Centers for Medicare and Medicaid Services conditions of participation; and

24 **WHEREAS,** the Health and Human Services and Budget and Finance Committees
25 recommend adopting amendments to the Contracting and Procurement
26 Authority, 26 Tohono O'odham Code Chapter 1, Article 4 to include contracting
27 authority for the Tohono O'odham Nation Health Care as provided for in the
28 attached amendments, which are incorporated by this reference.

29 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council adopts the
30 amendments to the Contracting and Procurement Authority, 26 Tohono O'odham
31 Code Chapter 1, Article 4 upon the effective date of this resolution, to include
32 contracting authority for the Tohono O'odham Nation Health Care.

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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 17TH day of MAY, 2018 at a meeting at which a quorum was present with a vote of 2,667.8 FOR; 416.8 AGAINST; -0- NOT VOTING; and [05] 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

Quinton C. Yopey for
Timothy Joaquin, Legislative Chairman
21 day of May, 2018

ATTEST:

Evonne Wilson
Evonne Wilson, Legislative Secretary
21 day of May, 2018

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 21 day of May, 2018 at 4:45 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.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Quinton C. Yopey for
Timothy Joaquin, Legislative Chairman

APPROVED

on the 22 day of May, 2018

DISAPPROVED

at 12:40 o'clock, P.M.

Edward D. Manuel
EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

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1 Returned to the Legislative Secretary on the 22 day of

2
3 May, 2018, at 3:15 o'clock, p.m.

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5 Evonne Wilson
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Evonne Wilson, Legislative Secretary

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