

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Authorizing submission and negotiation of a proposal to contract with the U.S. Indian Health Service for the acquisition of any and all funds and services associated with the provision of hospital and clinic care in the IHS Tucson Area for members of the Nation (Amends Res. 02-420))**

**RESOLUTION NO. 02-426**

1 **WHEREAS, the Tohono O'odham Nation has historically contracted certain functions from the**  
2 **U.S. Indian Health Service ("IHS") pursuant to the authority conferred to the Nation**  
3 **by the Indian Self-Determination Act, as amended; and**

4 **WHEREAS, the IHS Master Contract No. 249-96-0001 (the "Master Contract"), by Modification No.**  
5 **38, became effective on October 1, 1999, and is set to expire on September 30, 2002;**  
6 **and**

7 **WHEREAS, the IHS has provided notice to the Nation on September 26, 2002, that the Master**  
8 **Contract shall be extended for one year; and**

9 **WHEREAS, since 1978, the IHS services have deteriorated and the Nation's tribal shares have**  
10 **decreased, both of which negatively impact the provision of health care to Tohono**  
11 **O'odham; and**

12 **WHEREAS, contracting the Nation's tribal share of the IHS Tucson Area by the Nation would**  
13 **improve provision of health care to Tohono O'odham; and**

14 **WHEREAS, the Fiscal Year 1998 Interior Appropriations Act, Public Law 105-83, provides the**  
15 **Nation and the IHS the authority to enter into buyback agreements for programs,**  
16 **functions, services, and activities previously negotiated in the Master Contract, and**  
17 **further authorizes the IHS to retain and expend funds that may be received from the**  
18 **Nation; and**

19 **WHEREAS, the Nation may seek to utilize the reimbursement process provided for under Public**  
20 **Law 105-83 as this process would allow the Nation to directly design and improve**  
21 **health care delivery for Tohono O'odham, and would form a first step toward**  
22 **contracting the Nation's entire share of the IHS Tucson Area.**

23 **NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Nation is authorized to:**

- 24 **1. Negotiate the acquisition of any and all funds and services associated with the**  
25 **provision of hospital and clinic care in the IHS Tucson Area.**
- 26 **2. Negotiate maximum funding and acceptance by the IHS for such acquisition**  
27 **including, but not limited to, pre-award costs, start-up costs and all available**  
28 **direct program funding.**

**RESOLUTION NO. 02-426**

**(Authorizing submission and negotiation of a proposal to contract with the U.S. Indian Health Service for the acquisition of any and all funds and services associated with the provision of hospital and clinic care in the IHS Tucson Area for members of the Nation (Amends Res. 02-420))**

Page 2 of 3

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 30<sup>TH</sup> Day of SEPTEMBER, 2002 at a meeting at which a quorum was present with a vote of 2,417.5 FOR; -0- AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Section 1 (f) of Article VI 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

  
Rita A. Martinez, Legislative Chairwoman

01 day of October, 20 02

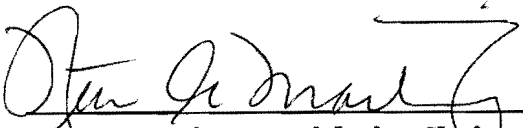
ATTEST:

  
Julianna Saraficio, Acting Legislative Secretary

30<sup>th</sup> day of Septemb, 20 02.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 01 day of October, 20 02 at 3:32 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

  
Rita A. Martinez, Legislative Chairwoman

APPROVED

on the 2<sup>nd</sup> day of October, 20 02

DISAPPROVED

at 9:08 o'clock, A.M.

  
EDWARD D. MANUEL, Chairman  
TOHONO O'ODHAM NATION

**RESOLUTION NO. 02-426**

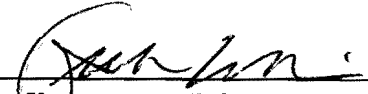
**(Authorizing submission and negotiation of a proposal to contract with the U.S. Indian Health Service for the acquisition of any and all funds and services associated with the provision of hospital and clinic care in the IHS Tucson Area for members of the Nation (Amends Res. 02-420))**

Page 3 of 3

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38
- 39
- 40
- 41
- 42
- 43
- 44
- 45
- 46

Returned to the Legislative Secretary on the 02 day of

October, 2002, at 11:36 o'clock, A.M.

  
\_\_\_\_\_  
Julianna Saraficio, Acting Legislative Secretary

**ACTION:** AUTHORIZING SUBMISSION AND NEGOTIATION OF A PROPOSAL TO CONTRACT WITH THE U.S. INDIAN HEALTH SERVICE FOR THE ACQUISITION OF ANY AND ALL FUNDS AND SERVICES ASSOCIATED WITH THE PROVISION OF HOSPITAL AND CLINIC CARE IN THE IHS TUCSON AREA FOR MEMBERS OF THE NATION (AMENDS RES. 02-420)

**MOVED:** COUNCILMAN ALBERT MANUEL, JR.

**SECOND:** VICE CHAIRMAN CAMILLUS LOPEZ

**DATE:** SEPTEMBER 30, 2002

| DISTRICT                    | LEGISLATIVE REPRESENTATIVES                         | # OF VOTES     | FOR            | AGAINST    | NOT VOTING | ABSENT      |
|-----------------------------|---|----------------|----------------|------------|------------|-------------|
| <b>BABOQUIVARI</b><br>317.7 | 1. FRANCES MIGUEL<br>( )                            | 158.85         | X              |            |            |             |
|                             | 2. FRANCES G. ANTONE<br>(Lucilda Norris-Valenzuela) | 158.85         | X              |            |            |             |
| <b>CHUKUT KUK</b><br>248.1  | 1. KENNETH WILLIAMS<br>(Juanita Homer)              | 124.05         | X              |            |            |             |
|                             | 2. DAVID GARCIA<br>(Mary Audrey Juan)               | 124.05         | X              |            |            |             |
| <b>GU ACHI</b><br>230.7     | 1. CAMILLUS LOPEZ<br>( )                            | 115.35         | X              |            |            |             |
|                             | 2. ALEX J. RAMON<br>(Jerome Joaquin)                | 115.35         | X              |            |            |             |
| <b>GU VO</b><br>188.3       | 1. FERN SALCIDO<br>( )                              | 94.15          | X              |            |            |             |
|                             | 2. EMILIO LEWIS<br>(Michael Flores)                 | 94.15          | X              |            |            |             |
| <b>HICKIWAN</b><br>167.3    | 1. SHIRLEY MOLINA<br>( )                            | 83.65          | X              |            |            |             |
|                             | 2. SANDRA ORTEGA<br>( )                             | 83.65          | X              |            |            |             |
| <b>PISINEMO</b><br>174.7    | 1. BARBARA SALVICIO<br>(Alex Antone)                | 87.35          | X              |            |            |             |
|                             | 2. PATRICIA CRUZ<br>(Johnson Jose)                  | 87.35          | X              |            |            |             |
| <b>SAN LUCY</b><br>160.7    | 1. ALBERT MANUEL, JR.<br>(John W. Lawson, Sr.)      | 80.35          | X              |            |            |             |
|                             | 2. GLORIA RAMIREZ<br>( )                            | 80.35          | X              |            |            |             |
| <b>SAN XAVIER</b><br>184.7  | 1. FELICIA NUÑEZ<br>( )                             | 92.35          | X              |            |            |             |
|                             | 2. DENNIS RAMON<br>( )                              | 92.35          | X              |            |            |             |
| <b>SCHUK TOAK</b><br>144.5  | 1. MARY FLORES<br>( )                               | 72.25          | X              |            |            |             |
|                             | 2. AMBROSE ENCINAS<br>(Frances B. Conde(Francisco)) | 72.25          | X              |            |            | X           |
| <b>SELLS</b><br>416.1       | 1. DENNIS E. JOSE<br>( )                            | 208.05         | X              |            |            |             |
|                             | 2. EVELYN JUAN<br>( )                               | 208.05         | X              |            |            |             |
| <b>SIF OIDAK</b><br>184.7   | 1. ISIDRO LOPEZ<br>( )                              | 92.35          | X              |            |            |             |
|                             | 2. RITA MARTINEZ<br>(Nicholas Jose)                 | 92.35          | X              |            |            |             |
| <b>TOTAL</b>                |   | <b>2,417.5</b> | <b>2,417.5</b> | <b>-0-</b> | <b>-0-</b> | <b>[01]</b> |

**\*\*PASSED VOTES**