

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving a Modification to the P.L. 93-638 Contract between the U.S. Department
of Interior, Bureau of Indian Affairs and the Tohono O'odham Nation)

RESOLUTION NO. 03-120

1 **WHEREAS, the term of the P.L. 93-638 Master Contract No. 1450CTH54T61071 (the "Contract")**
2 **between the U.S. Department of Interior, Bureau of Indian Affairs (the "Bureau") and**
3 **the Tohono O'odham Nation (the "Nation") was set to expire September 30, 2002; and**

4 **WHEREAS, on June 11, 2002, the Nation proposed a further extension of the Contract for an**
5 **additional three years through to September 30, 2005, which was declined by the**
6 **Bureau on September 9, 2002; and**

7 **WHEREAS, pursuant to 25 Code of Federal Regulations § 900.155, an informal conference was**
8 **held on November 5, 2002, to resolve the Nation's appeal of the Bureau's declination,**
9 **and a decision was made on November 18, 2002 (the "Informal Hearing Decision"),**
10 **which reversed the Bureau's declination; and**

11 **WHEREAS, the Bureau's declination revealed that the Bureau and the Nation were operating**
12 **under significantly different versions of the Contract; and**

13 **WHEREAS, the Informal Hearing Decision recognized the Bureau's 62-page version of the**
14 **Contract as the governing agreement; and**

15 **WHEREAS, the Bureau would not execute an extension of the Contract until the parties could**
16 **agree to resolve the outstanding performance issues raised by the Bureau's version**
17 **of the Contract for Fiscal Years 1997 through 2002, and future performance**
18 **standards for Fiscal Years 2003 through 2005; and**

19 **WHEREAS, after negotiation, a proposal was made to strike pages 36-62 of the Bureau's version**
20 **of the Contract and substitute new terms in the form of a modification to the**
21 **Contract, as attached and incorporated by this reference.**

22 **NOW, THEREFORE, BE IT RESOLVED THAT:**

- 23 **1. The proposed modification to the Contract, substantially in the form attached**
24 **hereto, is hereby approved.**
- 25 **2. The Chairman of the Nation is authorized to execute the modification to the**
26 **Master Contract.**

27 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 05TH Day**
28 **of MARCH, 2003 at a meeting at which a quorum was present with a vote of 2,417.5 FOR; -0-**
29 **AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by**
30 **Section 1 (f) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono**
31 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
32 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
33 **Stat. 984).**

RESOLUTION NO. 03-120

(Approving a Modification to the P.L. 93-638 Contract between the U.S. Department of Interior, Bureau of Indian Affairs and the Tohono O'odham Nation)

Page 2 of 2

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

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Cedillo for
Rita A. Martinez, Legislative Chairwoman

6th day of March, 2003

ATTEST:

Julianna Saraficio
Julianna Saraficio, Acting Legislative Secretary

05 day of March, 2003.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 6th day of March, 2003 at 5:00 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

Cedillo for
Rita A. Martinez, Legislative Chairwoman

APPROVED

on the 7th day of March, 2003

DISAPPROVED

at 2:12 o'clock, A.M.

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

Returned to the Legislative Secretary on the 7th day of

March, 2003, at 4:04 o'clock, P.M.

Julianna Saraficio
Julianna Saraficio, Acting Legislative Secretary

ACTION: APPROVING A MODIFICATION TO THE P.L. 93-638 CONTRACT BETWEEN THE U.S. DEPARTMENT OF INTERIOR, BUREAU OF INDIAN AFFAIRS AND THE TOHONO O'ODHAM NATION

Moved: COUNCILMAN ALBERT MANUEL, JR.

SECOND: COUNCILWOMAN EVELYN JUAN

DATE: MARCH 05, 2003

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 317.7	1. FRANCES MIGUEL ()	158.85	X			
	2. FRANCES G. ANTONE (Lucilda Norris-Valenzuela)	158.85	X			X
CHUKUT KUK 248.1	1. KENNETH WILLIAMS (Juanita Homer)	124.05	X			
	2. DAVID GARCIA (Mary Audrey Juan)	124.05	X			
GU ACHI 230.7	1. CAMILLUS LOPEZ ()	115.35	X			X
	2. JEROME JOAQUIN ()	115.35	X			
GU VO 188.3	1. FERN SALCIDO ** ()	94.15	X			
	2. EMILIO LEWIS (Michael Flores)	94.15	X			
HICKIWAN 167.3	1. SHIRLEY MOLINA ()	83.65	X			
	2. SANDRA ORTEGA ()	83.65	X			X
PISINEMO 174.7	1. BARBARA SALVICIO (Alex Antone)	87.35	X			
	2. PATRICIA CRUZ (Johnson Jose)	87.35	X			
SAN LUCY 160.7	1. ALBERT MANUEL, JR. (John W. Lawson, Sr.)	80.35	X			
	2. GLORIA RAMIREZ ** ()	80.35	X			
SAN XAVIER 184.7	1. FELICIA NUÑEZ ()	92.35	X			
	2. DENNIS RAMON ()	92.35	X			
SCHUK TOAK 144.5	1. MARY FLORES ()	72.25	X			
	2. AMBROSE ENCINAS (Frances B. Conde(Francisco))	72.25	X			X
SELLS 416.1	1. DENNIS E. JOSE ()	208.05	X			
	2. EVELYN JUAN ()	208.05	X			
SIF Oidak 184.7	1. ISIDRO LOPEZ (Nicholas Jose)	92.35	X			
	2. RITA MARTINEZ ()	92.35	X			
TOTAL		2,417.5	2,417.5	-0-	-0-	[04]

****PASSED VOTES**