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. 1450CTH54761071 (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") wasset to expire September 30, 2002; and 4 WBEREAS, 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 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 wHEREAS, after negotiation, a proposal was made to strike pages 36-							
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 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the <u>05TH</u>. Day of <u>MARCH</u>, <u>2003</u> at a meeting at which a quorum was present with a vote of <u>2,417.5</u> FOR; <u>-0-</u> AGAINST; <u>-0-</u> NOT VOTING; and <u>[04]</u> ABSENT, pursuant to the powers vested in the Council by Section 1 (<u>f</u>) 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) 	25		2. The Chairman of the Nation is authorized to execute the modification to the				
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 of <u>MARCH, 2003</u> at a meeting at which a quorum was present with a vote of <u>2,417.5</u> FOR; <u>-0</u> AGAINST; <u>-0</u> NOT VOTING; and [<u>04</u>] ABSENT, pursuant to the powers vested in the Council by Section 1 (<u>f</u>) 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) 	27	The foregoin	ng Resolution was passed by the Tohono O'odham Legislative Council on the 05 TH . Day				
 AGAINST; <u>-0</u>- NOT VOTING; and [04] 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) 		of MARCH, 2	2003 at a meeting at which a quorum was present with a vote of 2,417.5 FOR; -0-				
 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) 	29	AGAINST: -0	- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by				
32 Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48		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 -					
33 Stat. 954).))	rs (Uperations) 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 **TØHONO O'ODHAM LEGISLATIVE COUNCIL** Rita A. Martinez, Jegislative Chairwoman ay of March , 20 25 ATTEST: All Julianna Saraficio, Acting Legislative Secretary 05 day of March , 20 03. Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the _____ day of _______, 20_<u>63</u> at 5000 o'clock, _____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** (idla has yop Rita A. Martinez, Legislative Chairwoman on the 7th day of March , 20 03 X APPROVED at <u>21/2</u> o'clock, <u>A</u>.M. **] DISAPPROVED** EDWARD D. MANUEL, Chairman **TOHONO O'ODHAM NATION** Returned to the Legislative Secretary on the _____ day of March_, 20_03, at 4:04 o'clock, 1.M. which he 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

TE:	MARCH	05,	2003	

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

**PASSED VOTES