

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing Annual Funding for Fiscal Years 2004 Through 2007 to the Tohono O'odham
Nursing Care Authority)

RESOLUTION NO. 03-546

1 **WHEREAS, the Tohono O'odham Nation made a commitment in the 1980's to take a leadership**
2 **role in providing a continuum of care and services designed to enhance the quality**
3 **of life for aging O'odham and other members of the Nation in need of skilled nursing**
4 **care; and**

5 **WHEREAS, part of the commitment by the Tohono O'odham Nation was the construction of a**
6 **nursing home facility ("Facility") and the provision of financial support to tribal**
7 **members to obtain specialized education in order that tribal members might take**
8 **leadership roles at the Facility; and**

9 **WHEREAS, in addition, the Tohono O'odham Nation recognized that its commitment to those**
10 **O'odham members requiring skilled nursing care would require continued financial**
11 **support because third party payees would not provide sufficient reimbursement to**
12 **meet the expenses of the Facility; and**

13 **WHEREAS, public hearings were held within the Nation at which community support was**
14 **garnered for support of the construction of the Facility, the training funds and**
15 **continued funding to subsidize the Facility's operations; and**

16 **WHEREAS, by Resolution No. 98-512, the Legislative Council adopted the Charter of the Tohono**
17 **O'odham Nursing Care Authority ("TONCA") and appointed the initial Board of**
18 **Directors; and**

19 **WHEREAS, the Archie Hendricks Sr. Skilled Nursing Facility was constructed and the facility**
20 **opened to residents on November 17, 2003; and**

21 **WHEREAS, in preparation for the June 2003 Session of the Legislative Council, TONCA prepared**
22 **a financial forecast and budget regarding the operation of the Facility for fiscal years**
23 **2003 through 2007 demonstrating that TONCA will require additional support from**
24 **the Nation to operate the Facility; the budget and forecast was based upon best**
25 **available estimates of services, expenses and revenues, acknowledging that such**
26 **forecast and budget was completed without the benefit of any current operations**
27 **which were commenced on November 17, 2003; and**

28 **WHEREAS, at the June 2003 Session of the Legislative Council, the TONCA Board presented its**
29 **financial forecast and budget regarding the operation of the facility along with a**

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1 presentation regarding funding requirements for the Facility for upcoming fiscal
2 years; and

3 **WHEREAS, the Chairwoman of the Nation supports TONCA's budget request for \$2.892 million**
4 **for fiscal year 2004 and has made that request part of her Health Care package; and**

5 **WHEREAS, in addition to the \$2.892 million, TONCA is requesting an additional \$1.21 million for**
6 **three specific purposes: (1) marketing and recruitment of nurses, necessary to open**
7 **and continue to safely operate the Facility, (2) upgrading the information technology**
8 **of the Facility which is not adequate to maintain records and to bill and collect from**
9 **third parties, and (3) preparing the Facility to meet the Medicare certification**
10 **requirements, a necessary requirement to seek reimbursement for Medicare eligible**
11 **residents; and**

12 **WHEREAS, to total request for support for the Facility for fiscal year 2004 is thereby \$4,013,875;**
13 **and**

14 **WHEREAS, based upon current forecast of future financial needs, the TONCA seeks additional**
15 **sums for FY 2005 of \$4,686,433, FY 2006 of \$4,941,322 and FY 2007 of \$5,251,840; and**

16 **WHEREAS, the TONCA has attended District Council meetings of each of the 11 districts during**
17 **the past 60 days and has sought support by District Council resolution for the full FY**
18 **2004 request and for support for FY 2005 through 2007 and has received support from**
19 **9 districts: San Xavier, GuAchi, SifOidak, ChukutKuk, Pisinemo, San Lucy, Hickiwan,**
20 **Sells, and Baboquivari Districts and is awaiting a response from the remaining**
21 **districts; and**

22 **WHEREAS, TONCA is requesting the Nation's assistance, through the use of gaming savings.**

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

24 **1. The Legislative Council agrees to provide TONCA with necessary funds**
25 **through the use of gaming savings to assist TONCA in carrying out its mission**
26 **to provide a skilled nursing care facility to members of the Tohono O'odham**
27 **Nation.**

28 **2. The Legislative Council recognizes the following anticipated subsidy**
29 **requirements with respect to the operations of the Archie Hendricks Sr.**
30 **Skilled Nursing Facility:**

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<u>Fiscal Year</u>	<u>Budget Deficit</u>
2004 (ending 09/30/04)	\$4,013,875
2005 (ending 09/30/05)	\$4,686,433
2006 (ending 09/30/06)	\$4,941,322
2007 (ending 09/30/07)	<u>\$5,251,840</u>
	\$18,893,470

3. The Legislative Council agrees to provide financial support for the operations of the Archie Hendricks Sr. Skilled Nursing Facility from gaming savings.

4. The initial payment will be made to TONCA on January 05, 2004 in the amount of \$4,013,875 for fiscal year 2004. Thereafter, payments will be made to TONCA in the amounts as follows:

<u>Payment Date</u>	<u>Payment Amount</u>
August 01, 2004	\$4,686,433
August 01, 2005	\$4,941,322
August 01, 2006	\$5,251,840

5. Funds will be wired to TONCA's account on the dates set forth above without further Legislative Council action.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 02ND. Day of DECEMBER, 2003 at a meeting at which a quorum was present with a vote of 1,614.55 FOR; 919.45 AGAINST; 95.7 NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Section 1 (d)(2) & (3) 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


Dennis Ramon, Legislative Chairman

05th day of December, 2003

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ATTEST:

Vivian Hedrington
Vivian Hedrington, Legislative Secretary

02 day of December, 2003.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'odham Nation on the 05th day of December, 2003 at 4:56 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon her approval or upon her failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Dennis Ramon
Dennis Ramon, Legislative Chairman

APPROVED

on the 9 day of December, 2003

DISAPPROVED

at 12:34 o'clock, P.M.

Vivian Juan Saunders
VIVIAN JUAN SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 09 day of

December, 2003, at 1:43 o'clock, P.M.

Vivian Hedrington
Vivian Hedrington, Legislative Secretary

ACTION: AUTHORIZING ANNUAL FUNDING FOR FISCAL YEARS 2004 THROUGH 2007 TO THE TOHONO O'ODHAM NURSING CARE AUTHORITY

MOVED: COUNCILMAN ISIDRO LOPEZ

SECOND: COUNCILMAN VERLON JOSE

DATE: DECEMBER 02, 2003

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 192.6	1. ISIDRO LOPEZ (Nicholas Jose)	96.30	X			
	2. DARLENE ANDREW (Rita Martinez)	96.30	X			
SELLS 465.6	1. DENNIS E. JOSE ()	232.80		X		
	2. EVELYN JUAN ()	232.80		X		
SCHUK TOAK 176.1	1. FRANCES B. CONDE ()	88.05		X		
	2. PHYLLIS JUAN ()	88.05		X		
SAN XAVIER 215.4	1. FELICIA NUÑEZ ()	107.70	X			
	2. DENNIS RAMON ()	107.70	X			
SAN LUCY 166.3	1. JOHN W. LAWSON, SR. ()	83.15	X			
	2. GLORIA RAMIREZ ()	83.15	X			
PISINEMO 175.4	1. BARBARA SALVICIO ()	87.70	X			
	2. PATRICIA CRUZ ()	87.70	X			X
HICKIWAN 170.3	1. DELMA GARCIA (Mary E. Sam)	85.15	X			
	2. SANDRA ORTEGA ()	85.15	X			
GU VO 191.4	1. RAYMOND VICTOR ()	95.70			X	
	2. MICHAEL FLORES (Willard Manuel)	95.70		X		
GU ACHI 253.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	126.80	X			
	2. JEROME JOAQUIN ()	126.80	X			
CHUKUT KUK 258.9	1. KENNETH WILLIAMS (Juanita Homer)	129.45	X			
	2. VERLON M. JOSE (David Garcia)	129.45	X			
BABOQUIVARI 364.1	1. FRANCES MIGUEL (Lucilda Norris-Valenzuela)	182.05	X			
	2. FRANCES G. ANTONE ()	182.05		X		
TOTAL		2,629.7	1,614.55	919.45	95.7	[01]

****PASSED VOTES**