

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Urging IHS Director to Grandfather Facilities on the Current Facility Construction Program
Priority List)

RESOLUTION NO. 06-431

- 1 **WHEREAS, the Legislative Council is vested with the authority to provide “laws, ordinances, and**
2 **resolutions . . . to promote, protect, and provide for public health, peace, morals,**
3 **education and general welfare of the Tohono O’odham Nation and its members” and**
4 **to consult with “federal agencies regarding federal activities that affect the Tohono**
5 **O’odham Nation” (Constitution of the Tohono O’odham Nation, Article VI, Section**
6 **1(c)(2) and (j)); and**
- 7 **WHEREAS, as the United States Congress has recognized, “Federal health services to maintain**
8 **and improve the health of the Indians are consonant with and required by the**
9 **Federal Government’s historical and unique legal relationship with, and resulting**
10 **responsibility to, the American Indian people.” (25 U.S.C. Section 1601(a)); and**
- 11 **WHEREAS, although “the unmet health needs of the American Indian people are severe and the**
12 **health status of the Indians is far below that of the general population of the United**
13 **States,” the United States, in the fulfillment of its trust obligation to Indian people,**
14 **has made it a goal “to provide the quantity and quality of health services which will**
15 **permit the health status of Indians to be raised to the highest possible level and to**
16 **encourage the maximum participation of Indians in the planning and management**
17 **of those services.” (25 U.S.C. Section 1601(d) and (b)); and**
- 18 **WHEREAS, the Tohono O’odham Nation comprises the second largest Indian reservation in the**
19 **United States with a population suffering from the highest rate of diabetes and the**
20 **highest rate of death due to alcohol-related causes of any population group in the**
21 **country, the lowest male and female life expectancy in Pima County, Arizona, and**
22 **extremely high death rates from motor vehicle accidents and suicide, making it**
23 **imperative that the Nation have adequate on-reservation health care facilities; and**
- 24 **WHEREAS, in order to address the unmet health care needs of the Tohono O’odham and to**
25 **directly participate in the planning and management of critical health services, the**
26 **Nation has advocated for more than 15 years to replace the current Indian Health**
27 **Service (“IHS”) hospital in Sells, Arizona, which is one of the oldest facilities in the IHS**
28 **system; and**

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1 **WHEREAS, these efforts have resulted in the preparation and submission of a Project**
2 **Justification Document ("PJD") for an Alternative Rural Hospital on the Nation to**
3 **replace the Sells hospital; and**

4 **WHEREAS, the Nation's PJD complies with the IHS Tucson Area Master Plan and has accordingly**
5 **been added to the IHS Health Care Facilities Construction Program Priority System**
6 **list, which, due to limited funding, prioritizes proposed health care facilities; and**

7 **WHEREAS, the IHS Facilities Appropriations Advisory Board ("FAAB") has developed a draft**
8 **revised IHS Health Care Facilities Construction Program Priority System over the past**
9 **several years and has proposed creating a new priority system that would not**
10 **recognize the status of projects on the current priority list, including the Nation's**
11 **proposed Alternative Rural Hospital; and**

12 **WHEREAS, tribes including the Tohono O'odham Nation have waited decades for proposed**
13 **health care facilities appearing on the current IHS Health Care Facilities**
14 **Construction Program Priority System list to be constructed, and those facilities**
15 **should therefore continue to be given priority in any ranking system that is**
16 **ultimately approved by IHS Director Dr. Charles Grimm.**

17 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby**
18 **urges IHS Director Dr. Charles Grimm (1) to fully comply with the requirements for**
19 **tribal consultation in considering any amendments to the IHS Health Care Facilities**
20 **Construction Program Priority System, and (2) to grandfather facilities on the IHS**
21 **Health Care Facilities Construction Program Priority System list, including the**
22 **Alternative Rural Hospital to be constructed on the Tohono O'odham Nation, in a**
23 **manner that allows such facilities to continue being given priority for planning,**
24 **design, and construction.**

25 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 21ST Day**
26 **of JUNE, 2006 at a meeting at which a quorum was present with a vote of 2,440.80 FOR; -0- AGAINST;**
27 **-0- NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the Council by Section 1**
28 **(c)(2) and (j) Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono**
29 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
30 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
31 **Stat. 984).**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Evelyn B. Juan Manuel, Legislative Chairwoman

28th day of June, 2006

ATTEST:

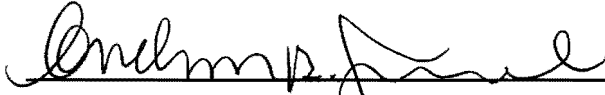


Lucille Lopez, Acting Legislative Secretary

21 day of June, 2006.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 28th day of June, 2006 at 2:03 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



Evelyn B. Juan Manuel, Legislative Chairwoman

APPROVED

on the 30 day of June, 2006

DISAPPROVED

at 8:44 o'clock, A.M.



VIVIAN JUAN-SAUNDERS, CHAIRWOMAN

TOHONO O'ODHAM NATION

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Returned to the Legislative Secretary on the 30 day of

June, 2006, at 9:01 o'clock, A.M.

Lucille Lopez
Lucille Lopez, Acting Legislative Secretary

ACTION: URGING IHS DIRECTOR TO GRANDFATHER FACILITIES ON THE CURRENT FACILITY CONSTRUCTION PROGRAM PRIORITY LIST**MOVED: VICE CHAIRMAN VERLON JOSE****SECOND: COUNCILWOMAN CYNTHIA MANUEL****DATE: JUNE 21, 2006**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQIVARI 310.8	1. FRANCES MIGUEL (<i>Absent</i>) (Vernon J. Smith) (<i>Present</i>)	155.40	X			
	2. FRANCES G. ANTONE(<i>Absent</i>) (Lucilda J. Valenzuela (Norris))(<i>Present</i>)	155.40	X			
CHUKUT KUK 258.7	1. ETHEL GARCIA ()	129.35	X			
	2. VERLON M. JOSE (David Garcia)	129.35	X			
GU ACHI 221.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80	X			
GU VO 193.1	1. RAYMOND VICTOR ()	96.55	X			
	2. MICHAEL FLORES (Grace Manuel)	96.55	X			X
HICKIWAN 167.4	1. DELMA GARCIA (Mary E. Sam)	83.70	X			
	2. SANDRA ORTEGA ()	83.70	X			X
PISINEMO 171.8	1. BARBARA SALVICIO ()	85.90	X			
	2. GERALD FAYUANT ()	85.90	X			
SAN LUCY 169.0	1. JOHN W. LAWSON, SR. ()	84.50	X			
	2. GLORIA RAMIREZ ()	84.50	X			
SAN XAVIER 193.8	1. FELICIA NUÑEZ ()	96.90	X			X
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	96.90	X			
SCHUK TOAK 146.9	1. FRANCES B. CONDE ()	73.45	X			X
	2. PHYLLIS JUAN ()	73.45	X			
SELLS 421.0	1. MARLENE SARAFICIO-JUAN ()	210.50	X			
	2. EVELYN B. JUAN MANUEL (Kimberly Listo)	210.50	X			
SIF OIDAK 186.7	1. WAVALENE SAUNDERS (Isidro Lopez)	93.35	X			X
	2. DARLENE ANDREW (Rita Martinez)	93.35	X			
TOTAL		2,440.80	2,440.80	-0-	-0-	[05]

****PASSED VOTES**