

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Appropriating \$22,394,737 from Gaming Savings to the Tohono O'odham Nursing
Care Authority for Fiscal Years 2008 through 2011)**

RESOLUTION NO. 07-452

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to enact laws “to**
2 **promote, protect, and provide for public health, peace, morals, education and general**
3 **welfare of the Tohono O'odham Nation and its members” (Article VI, Section 1(c)(2), of**
4 **the Constitution of the Tohono O'odham Nation); and**

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

9 **WHEREAS, in 1998 the Tohono O'odham Legislative Council established the Tohono O'odham**
10 **Nursing Care Authority (“TONCA”) as an exercise of the Nation's sovereign right of self-**
11 **government (Amended and Restated Tohono O'odham Nursing Care Authority**
12 **Charter, as amended by Resolution No. 06-748); and**

13 **WHEREAS, the formation of the TONCA and the construction of the Archie Hendricks Sr.**
14 **Skilled Nursing Facility were integral components of the commitment of the Nation's**
15 **resources to its elders; and**

16 **WHEREAS, the Tohono O'odham Nation recognized that its commitment to those O'odham**
17 **members requiring skilled nursing care would require continued financial support**
18 **because third party payees would not provide sufficient reimbursement to meet the**
19 **expenses of the Facility; and**

20 **WHEREAS, by Resolution No. 03-546, the Legislative Council provided the necessary funds**
21 **through the use of gaming savings to subsidize TONCA's operations for fiscal years**
22 **2004 through 2007; and**

23 **WHEREAS, TONCA will continue to require substantial funds for fiscal years 2008 through**
24 **2011; and**

25 **WHEREAS, based upon its forecast of future financial needs, TONCA seeks sums from**
26 **gaming savings in the following amounts: \$5,348,316 for FY2008, \$5,486,751 for**
27 **FY2009, \$5,628,916 for FY2010 and \$5,930,754 for FY2011 for a total request for support**
28 **of the Facility for FY2008 through FY2011 in the amount of \$22,394,737; and**

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1 **WHEREAS, TONCA has presented its proposal to the Legislative Health and Human Services**
2 **Committee and the Budget and Finance Committee; and**

3 **WHEREAS, TONCA has attended the District Chairs' meeting, has attended the District**
4 **Council meetings of each of the 11 districts during the past seven months, has sought**
5 **support by District Council resolution for its request for gaming savings, and has**
6 **received support from the following districts: San Xavier, Sif-Oidak, Gu Achi, Chukut**
7 **Kuk, Gu Vo, Hickiwan, Pisinemo, Baboquivari; and**

8 **WHEREAS, TONCA has also briefed the Nation's Chairman, who supports the requested**
9 **appropriation; and**

10 **WHEREAS, TONCA is requesting the Nation's financial assistance, through the use of gaming**
11 **savings, to assist TONCA in carrying out its mission to provide a skilled nursing care**
12 **facility to members of the Tohono O'odham Nation in the following amounts:**

<u>Transfer Date</u>	<u>Amount of Transfer</u>
August 1, 2007	\$5,348,316
August 1, 2008	\$5,486,751
August 1, 2009	\$5,628,916
August 1, 2010	\$5,930,754

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18 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby**
19 **appropriates \$22,394,737 from the Nation's Desert Diamond Savings Account to the**
20 **TONCA, subject to the following conditions:**

- 21 **(1) the \$22,394,737 appropriated herein shall remain an asset of the Nation until**
22 **transferred to the TONCA but shall not otherwise be available for distribution or**
23 **expenditure by the Nation;**
- 24 **(2) the interest and income derived from the \$22,394,737 appropriation shall not be**
25 **transferred to the TONCA but shall remain assets of the Nation and shall accrue**
26 **to the Desert Diamond Savings Account; and**
- 27 **(3) the \$22,394,737 appropriation shall be wired to TONCA's account in four separate**
28 **payments on or within five business days of the following dates without further**
29 **Tohono O'odham Legislative Council action:**

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<u>Transfer Date</u>	<u>Amount of Transfer</u>
August 1, 2007	\$5,348,316
August 1, 2008	\$5,486,751
August 1, 2009	\$5,628,916
August 1, 2010	\$5,930,754

(4) all funds appropriated to the TONCA shall be managed and expended in accordance with the Amended and Restated Tohono O'odham Nursing Care Authority Charter, as amended.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 12TH Day of JULY, 2007 at a meeting at which a quorum was present with a vote of 1,416.15 FOR; 444.7 AGAINST; 477.15 NOT VOTING; and 196.5 [06] ABSENT, pursuant to the powers vested in the Council by Section 1(c)(2) and (d)(2) 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


Verlon M. Jose, Legislative Chairman

17 day of July, 2007

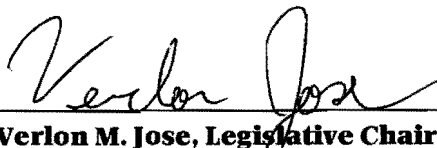
ATTEST:


Lucille Lopez, Acting Legislative Secretary

12 day of July, 2007.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 17 day of July, 2007 at 5:01 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


Verlon M. Jose, Legislative Chairman

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APPROVED

on the 19 day of July, 2007

DISAPPROVED

at 8:59 o'clock, A.M.



NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 19 day of

July, 2007, at 9:56 o'clock, A.M.



Lucille Lopez, Acting Legislative Secretary

ACTION: APPROPRIATING \$22,394,737 FROM GAMING SAVINGS TO THE TOHONO O'ODHAM NURSING CARE AUTHORITY FOR FISCAL YEARS 2008 THROUGH 2011

MOVED: COUNCILWOMAN CYNTHIA MANUEL

SECOND: COUNCILWOMAN GLORIA RAMIREZ

DATE: JULY 12, 2007

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			
	2. FRANCES G. ANTONE ()	158.45	X			
CHUKUT KUK 264.8	1. ETHEL GARCIA ()	132.40	X			
	2. VERLON M. JOSE ()	132.40			X	
GU ACHI 227.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			X
	2. CYNTHIA E. MANUEL ()	113.95	X			
GU VO 199.2	1. GRACE MANUEL ()	99.60	X			
	2. MICHAEL FLORES ()	99.60			X	
HICKIWAN 172.0	1. MICHELLE ORTEGA ()	86.00	X			
	2. SANDRA ORTEGA ()	86.00	X			X
PISINEMO 182.4	1. CHESTER ANTONE ()	91.20	X			X
	2. GERALD FAYUANT ()	91.20	X			
SAN LUCY 181.1	1. LORRAINE EILER ()	90.55			X	
	2. GLORIA RAMIREZ ()	90.55	X			
SAN XAVIER 196.5	1. FELICIA NUÑEZ (Adam P. Andrews)	98.25				X
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25				X
SCHUK TOAK 154.6	1. FRANCES B. CONDE (Frederick Jose)	77.30			X	
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30			X	
SELLS 444.7	1. KIMBERLY LISTO ()	222.35		X		
	2. EVELYN B. JUAN MANUEL ()	222.35		X		
SIF OIDAK 194.4	1. WAVALENE ROMERO ()	97.20	X			X
	2. MARY LOPEZ ()	97.20	X			
TOTAL		2,534.5	1,416.15	444.7	477.15	196.5 [06]

****PASSED VOTES**