

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approval of Second Amendment to the Amended and Restated Charter
of the Tohono O'odham Nursing Care Authority)

RESOLUTION NO. 08-180

- 1 **WHEREAS, by Resolution No. 98-512, the Legislative Council adopted the Charter of the Tohono**
2 **O'odham Nursing Care Authority ("TONCA"); and**
- 3 **WHEREAS, by Resolution No. 04-122, the Legislative Council adopted the Amended and Restated**
4 **Charter of TONCA and repealed Resolution No. 98-512; and**
- 5 **WHEREAS, by Resolution No.06-748, the Legislative Council adopted the First Amendment to the**
6 **Amended and Restated Charter of TONCA; and**
- 7 **WHEREAS, by Resolution No. 06-778, the Legislative Council overrode the Chairwoman's veto of**
8 **Resolution No. 06-748 by the required vote of two-thirds of the votes cast; and**
- 9 **WHEREAS, the mission of TONCA is "to take a leadership role in providing a continuum of care**
10 **and services" to the O'odham elders; and**
- 11 **WHEREAS, TONCA, in accordance with its strategic plan, has commenced a hospice program**
12 **known as the "Tohono O'odham Hospice" to provide services to the terminally ill**
13 **O'odham members both at the skilled nursing facility and in their homes and, for**
14 **organizational purposes has established the Tohono O'odham Hospice as a separate**
15 **program of TONCA; and**
- 16 **WHEREAS, hospice programs are regulated and certified pursuant to Title 42, Chapter IV, Part**
17 **418 of the U.S. Code of Federal Regulations; and**
- 18 **WHEREAS, the federal (CMS) surveyors have surveyed the Tohono O'odham Hospice and have**
19 **indicated that the organization of the hospice program was not sufficient to meet the**
20 **requirements of 42 C.F.R. §§ 418.3 and 418.52 that require the hospice to be a**
21 **"subdivision" of TONCA with a governing board, with ultimate responsibility and**
22 **authority for setting and monitoring hospice programs; and**
- 23 **WHEREAS, the remedy for this regulatory deficiency is an amendment to the TONCA Charter**
24 **specifically providing that the Board of TONCA may form subdivisions and**
25 **subordinate entities with governing boards; and**
- 26 **WHEREAS, Section 4.5.22 of the Amended and Restated Charter authorizes the TONCA Board to**
27 **recommend amendments or revisions of the Charter to the Legislative Council**
28 **"whenever deemed appropriate to improve the operation and management of the**
29 **Authority"; and**
- 30

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1 **WHEREAS, by Board Resolution, the TONCA Board has proposed revisions to the TONCA Charter**
2 **and has requested that the Legislative Council amend the Charter by amending the**
3 **powers of the Board under Article IV, section 4.5 of the Amended and Restated Charter**
4 **in the form attached as Exhibit "A" hereto.**

5 **WHEREAS, the Legislative Council has considered the recommended revision to the Charter and**
6 **finds it to be in the best interest of the Nation to approve the revision.**

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

- 8 **1. The Legislative Council approves the adoption of the Second Amendment to the**
9 **Amended and Restated Charter, per the attached Exhibit "A."**
- 10 **2. The provisions of Resolution No. 04-122 and any other prior laws of the Tohono**
11 **O'odham Nation which are inconsistent with, or are in conflict with, the provisions**
12 **of this Resolution are hereby superseded to the extent of such inconsistency or**
13 **conflict.**

14 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 10TH. Day**
15 **of APRIL, 2008 at a meeting at which a quorum was present with a vote of 2,534.5 FOR; -0- AGAINST;**
16 **-0- NOT VOTING; and [07] ABSENT, pursuant to the powers vested in the Council by Section 1 (e) of**
17 **Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham**
18 **Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs**
19 **(Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).**

21 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

22 
23 _____
24 **Verlon M. Jose, Legislative Chairman**

25 16 day of April, 2008

26 **ATTEST:**

27 
28 _____
29 **Lucille Lopez, Acting Legislative Secretary**

30 10 day of April, 2008.

31 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham**
32 **Nation on the 16 day of April, 2008 at 5:18 o'clock, P.M.,**
33 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**
34 **upon his approval or upon his failure to either approve or disapprove it within 48 hours of**
35 **submittal.**

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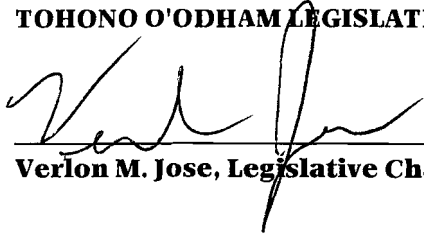
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TOHONO O'ODHAM LEGISLATIVE COUNCIL



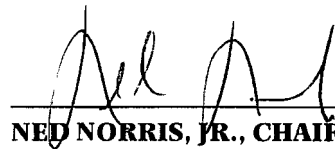
Verlon M. Jose, Legislative Chairman

APPROVED

on the 18 day of April, 2008

DISAPPROVED

at 3:45 o'clock, P.M.



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

Returned to the Legislative Secretary on the 18th day of

APRIL, 2008, at 4:00 o'clock, P.M.



Lucille Lopez, Acting Legislative Secretary

ACTION: APPROVAL OF SECOND AMENDMENT TO THE AMENDED AND RESTATED CHARTER OF THE TOHONO O'ODHAM NURSING CARE AUTHORITY

MOVED: COUNCILWOMAN SANDRA ORTEGA

SECOND: COUNCILWOMAN ETHEL GARCIA

DATE: APRIL 10, 2008

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			X
	2. FRANCES G. ANTONE (Vernon Smith)	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			
	2. CYNTHIA E. MANUEL ()	113.95	X			X
GU VO 199.2	1. GRACE MANUEL ()	99.60	X			
	2. MICHAEL FLORES ()	99.60	X			X
HICKIWAN 172.0	1. MICHELLE ORTEGA ()	86.00	X			X
	2. SANDRA ORTEGA ()	86.00	X			
PISINEMO 182.4	1. CHESTER ANTONE ()	91.20	X			
	2. GERALD FAYUANT ()	91.20	X			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			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			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			
	2. MARY LOPEZ ()	97.20	X			
TOTAL		2,534.5	2,534.5	-0-	-0-	[07]

**PASSED VOTES