

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Authorizing Settlement with the Indian Health Service on Tribal Shares Funding  
for the Tohono O'odham Nation)**

**RESOLUTION NO. 15-016**

1 **WHEREAS, the Tohono O'odham Legislative Council has the authority "to promote, protect**  
2 **and provide for public health, peace, morals, education and general welfare of**  
3 **the Tohono O'odham Nation and its members" and to "consult, negotiate and**  
4 **conclude agreements and contracts on behalf of the Tohono O'odham Nation**  
5 **with Federal, State and local governments" (Constitution, Article VI, Section 1**  
6 **(c)(2) and Section 1(f)); and**

7 **WHEREAS, the Tohono O'odham Nation ("Nation") has historically contracted for certain**  
8 **federal programs, functions, services or activities ("PFSAs") of the Secretary of**  
9 **the U.S. Department of Health and Human Services, acting through the Indian**  
10 **Health Service ("IHS"), pursuant to the authority conferred on the Nation by the**  
11 **Indian Self-Determination and Education Assistance Act of 1975 (P.L. 93-638; 25**  
12 **U.S.C. § 450 *et seq.*); and**

13 **WHEREAS, the Nation has entered into Contract No. HHS1249200400001C, dated October 1,**  
14 **2003, with IHS for the management of certain health services; and**

15 **WHEREAS, beginning in 2010, the Nation entered into discussions with the IHS Tucson Area**  
16 **Office and the Pascua Yaqui Tribe to discuss the allocation of Area Office Tribal**  
17 **Shares; and**

18 **WHEREAS, in 2011, pursuant to Resolution No. 11-588, the Nation approved the workload**  
19 **analysis methodology as the Nation's official position for allocation of the Area**  
20 **Office Tribal Shares; and**

21 **WHEREAS, in August 2013, pursuant to Resolution No. 13-326, the Nation submitted a**  
22 **proposal to contract with IHS for its Tribal Shares of the Area and Headquarters**  
23 **office, and the Nation's request for Area Office Tribal Shares funding utilized the**  
24 **workload analysis methodology; and**

25 **WHEREAS, on May 19, 2014, IHS partially declined the Nation's proposal, refusing to use the**  
26 **workload analysis methodology to determine the allocation of Area Tribal**  
27 **Shares; and**

28 **WHEREAS, IHS decided instead to apply a user population methodology that was less**  
29 **favorable to the Nation; and**

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1 **WHEREAS, on June 5, 2014, the Nation adopted Resolution No. 14-226, authorizing legal**  
2 **action to challenge IHS's partial declination of the Nation's tribal shares**  
3 **proposal; and**

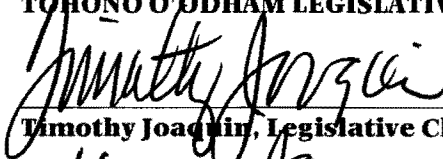
4 **WHEREAS, the Nation and IHS have negotiated a settlement of these claims under which**  
5 **legal action will be terminated in return for an agreement that is favorable to**  
6 **the Nation.**

7 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves**  
8 **the proposed Settlement Agreement substantially in the form attached hereto.**

9 **BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council authorizes the**  
10 **Nation's attorney Lloyd Miller to take all actions necessary to conclude and**  
11 **implement the settlement and carry out this Resolution, including execution of**  
12 **the Settlement Agreement.**

13 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 16<sup>TH</sup>**  
14 **day of JANUARY, 2015 at a meeting at which a quorum was present with a vote of 2,946.5 FOR;**  
15 **-0- AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by**  
16 **Article VI, Section 1(c)(2) and 1(f) of the Constitution of the Tohono O'odham Nation, adopted**  
17 **by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy**  
18 **Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the**  
19 **Act of June 18, 1934 (48 Stat.984).**

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21 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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25 **Timothy Joaquin, Legislative Chairman**  
26  
27 16 day of January, 2015

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31 **ATTEST:**

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34 **Evonne Wilson, Legislative Secretary**

35  
36 16 day of January, 2015

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38 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**  
39 **O'odham Nation on the 16 day of January, 2015 at 5:10 o'clock, P .m.,**  
40 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**  
41 **effective upon his approval or upon his failure to either approve or disapprove it within 48**  
42 **hours of submittal.**  
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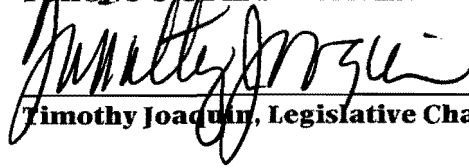
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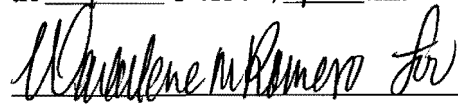
**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

  
\_\_\_\_\_  
**Timothy Joaquin, Legislative Chairman**


**APPROVED**

**DISAPPROVED**

on the 16 day of January, 2015  
at 4:08 o'clock, P.m.

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

Returned to the Legislative Secretary on the 16 day of  
January, 2015, at 4:40 o'clock, P.m.

  
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**Evonne Wilson, Legislative Secretary**