

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Authorizing Further Legal Action Against the U.S. Department of Health and  
Human Services and Its Agency the Indian Health Service)**

**RESOLUTION NO. 15-340**

1 **WHEREAS, the Constitution of the Tohono O'odham Nation authorizes the Legislative**  
2 **Council to "promote, protect and provide for public health, peace, morals,**  
3 **education and general welfare of the Tohono O'odham Nation and its members"**  
4 **(Constitution, Article VI, Section 1 (c)(2)); and**

5 **WHEREAS, in August 2015, the Nation became aware through court pleadings in Case No. 2-**  
6 **14-cv-00943 (D. Ariz.) that the Gila River Indian Community (GRIC) and Indian**  
7 **Health Service are finalizing a settlement of GRIC's claims that it receive more**  
8 **funding from IHS to serve certain Tohono O'odham Nation patients; and**

9 **WHEREAS, the Indian Self-Determination and Education Assistance Act prevents the Indian**  
10 **Health Service from taking funds dedicated to serving the Nation's members**  
11 **and transferring it to another Tribe; and**

12 **WHEREAS, based on the information available, the Legislative Council believes the**  
13 **proposed settlement may impact funds available for health services for the**  
14 **Nation's patients; and**

15 **WHEREAS, by Resolution No. 14-227, the Legislative Council approved an attorney contract**  
16 **with the law firm of Sonosky, Chambers, Sachse, Miller & Munson, LLP to**  
17 **represent the Nation in legal proceedings arising from the Nation's Public Law**  
18 **93-638 contract with the Indian Health Service; and**

19 **WHEREAS, this issue relates to the Nation's existing contract with the Indian Health Service**  
20 **and any additional contracts the Nation may choose to enter; and**

21 **WHEREAS, the Nation has been unable to obtain information from the Indian Health**  
22 **Service related to the GRIC litigation and other matters related to funding for**  
23 **health services provided to the members of the Nation; and**

24 **WHEREAS, this resolution has been reviewed by the Health and Human Services**  
25 **Committee, which recommends approval by the Legislative Council.**

26 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that Sonosky**  
27 **Chambers law firm in consultation with the Office of the Attorney General is**  
28 **authorized to intervene in the Gila River Indian Community litigation or take**  
29 **any legal action deemed appropriate to protect the Nation's interests.**

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1 **BE IT FINALLY RESOLVED that the Sonosky Chambers law firm in consultation with the Office**  
2 **of Attorney General is authorized to take any legal action deemed appropriate to**  
3 **obtain information from the Indian Health Service that is required for the**  
4 **Nation to move forward with assumption of additional IHS programs.**

5 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 21<sup>ST</sup>**  
6 **day of AUGUST, 2015 at a meeting at which a quorum was present with a vote of 2,815.6 FOR;**  
7 **-0- AGAINST; -0- NOT VOTING; and 205.8 [04] ABSENT, pursuant to the powers vested in the**  
8 **Council by Article VI, Section 1(c)(2) of the Constitution of the Tohono O'odham Nation,**  
9 **adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting**  
10 **Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section**  
11 **16 of the Act of June 18, 1934 (48 Stat.984).**

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14 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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18 **Timothy Joaquin, Legislative Chairman**

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20 25 day of August, 2015

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23 **ATTEST:**

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26 **Evonne Wilson, Legislative Secretary**

27 24 day of August, 2015

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30 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**  
31 **O'odham Nation on the 25 day of August, 2015 at 10:14 o'clock, a .m.,**  
32 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**  
33 **effective upon his approval or upon his failure to either approve or disapprove it within 48**  
34 **hours of submittal.**

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37 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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41 **Timothy Joaquin, Legislative Chairman**

**RESOLUTION NO. 15-340**

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**APPROVED**

on the 26 day of August, 2015  
at 7:44 o'clock, p.m.

**DISAPPROVED**

  
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**EDWARD D. MANUEL, CHAIRMAN**  
**TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 27 day of  
August, 2015, at 9:25 o'clock, a.m.

  
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**Evonne Wilson, Legislative Secretary**

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**ACTION: AUTHORIZING FURTHER LEGAL ACTION AGAINST THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES AND ITS AGENCY THE INDIAN HEALTH SERVICE**

**Moved: COUNCILMAN DANIEL L.A. PRESTON III**

**SECOND: COUNCILMAN ANTHONY FRANCISCO, JR.**

**DATE: AUGUST 21, 2015**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 367.2	1. FRANCES MIGUEL ( <i>Absent</i> ) (Roberta E. Harvey) ( <i>Present</i> )	183.6	X			X
	2. VERNON J. SMITH (Gloria Zazueta)	183.6	X			
CHUKUT KUK 332.1	1. ETHEL GARCIA ( <i>Absent</i> ) (Marlakay K. Henry) ( <i>Present</i> )	166.05	X			
	2. BILLMAN LOPEZ (Patricia Vicenti)	166.05	X			
GU ACHI 265.0	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	132.5	X			
	2. LORETTA LEWIS ( )	132.5	X			
GU VO 250.6	1. GRACE MANUEL ( <i>Absent</i> ) (Dallas Lewis) ( <i>Present</i> )	125.3	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	125.3	X			
HICKIWAN 205.8	1. LOUIS R. LOPEZ (Shirley Molina)	102.9				X
	2. SANDRA ORTEGA ( )	102.9				X
PISINEMO 219.9	1. CHESTER ANTONE (Tony Murrietta)	109.95	X			
	2. MONICA K. MORGAN ( )	109.95	X			
SAN LUCY 226.5	1. DIANA MANUEL ( )	113.25	X			
	2. JANA MONTANA (Gloria Ramirez)	113.25	X			X
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III (Gene Enis)	114.3	X			
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	114.3	X			
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. (Theresa Donahue)	90.3	X			
	2. QUINTIN C. LOPEZ (John Fendenheim)	90.3	X			
SELLS 513.5	1. ARTHUR WILSON ( <i>Absent</i> ) (Beverly Rivas) ( <i>Present</i> )	256.75	X			
	2. BARBARA HAVIER ( )	256.75	X			
SIF OIDAK 231.6	1. LUCINDA ALLEN (Nicholas Jose)	115.8	X			
	2. MARY LOPEZ ( )	115.8	X			
<b>TOTAL</b>		<b>3,021.4</b>	<b>2,815.6</b>	<b>-0-</b>	<b>-0-</b>	<b>205.8</b> <b>[04]</b>