

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Approving and Authorizing the Settlement of the Tohono O'odham Nation's  
Claims Against the Indian Health Service for Unpaid Contract Support Costs)**

**RESOLUTION NO. 16-106**

1 **WHEREAS,** the Tohono O'odham Legislative Council is vested with the power to "promote,  
2 protect and provide for public health, peace, morals, education, and general  
3 welfare of the Tohono O'odham Nation and its members" and to "consult,  
4 negotiate and conclude agreements and contracts on behalf of the Tohono  
5 O'odham Nation with Federal, State and local governments" (Constitution of the  
6 Tohono O'odham Nation, Article VI, Sections 1(c)(2) and 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 Indian Health  
9 Service ("IHS") pursuant to the authority conferred on the Nation by the Indian  
10 Self-Determination and Education Assistance Act of 1975 (P.L. 93-638; 25 U.S.C. §  
11 450 *et seq.*); and

12 **WHEREAS,** the Nation has entered into Contract No. HHS1249200400001C, dated October 1,  
13 2003, with the Secretary of the U.S. Department of Health and Human Services  
14 for the management of certain health services; and

15 **WHEREAS,** the Nation has asserted certain claims arising out of IHS's failure to reimburse  
16 the Nation's contract support costs incurred in fiscal year 2014 as required by  
17 the above-referenced contract; and

18 **WHEREAS,** the Nation and IHS have negotiated a compromise resolution ("Settlement  
19 Agreement") of these claims under which litigation will be terminated in return  
20 for a compromise payment of \$144,181.00 in additional recurring direct  
21 contract support costs and \$29,427.00 in non-recurring indirect contract  
22 support costs; and

23 **WHEREAS,** the Health and Human Services and Budget and Finance Committees have  
24 reviewed the agreement and recommend its approval.

25 **NOW, THEREFORE, BE IT RESOLVED** the Tohono O'odham Legislative Council approves the  
26 Settlement Agreement and authorizes the Nation's Chairman to take all actions  
27 necessary to carry out this resolution, including execution of the agreement in  
28 substantially the form attached hereto.

29 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 10<sup>TH</sup>**  
30 **day of MARCH, 2016 at a meeting at which a quorum was present with a vote of 3,021.4 FOR; -0-**  
31 **AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by**  
32 **Article VI, Section 1(c)(2) and Section 1(f) of the Constitution of the Tohono O'odham Nation,**  
33 **adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting**  
34 **Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section**  
35 **16 of the Act of June 18, 1934 (48 Stat.984).**  
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RESOLUTION NO. 16-106

(Approving and Authorizing the Settlement of the Tohono O'odham Nation's Claims Against the Indian Health Service for Unpaid Contract Support Costs)

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

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

15 day of March, 2016

ATTEST:

*Evonne Wilson*  
\_\_\_\_\_

Evonne Wilson, Legislative Secretary

14 day of March, 2016

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 15 day of March, 2016 at 4:47 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

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

APPROVED

on the 17<sup>th</sup> day of March, 2016

DISAPPROVED

at 3:32 o'clock, P.m.

*Edward D. Manuel*  
\_\_\_\_\_  
EDWARD D. MANUEL, CHAIRMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 17 day of  
March, 2016, at 3:40 o'clock, P.m.

*Evonne Wilson*  
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Evonne Wilson, Legislative Secretary

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**ACTION: APPROVING AND AUTHORIZING THE SETTLEMENT OF THE TOHONO O'ODHAM NATION'S CLAIMS AGAINST THE INDIAN HEALTH SERVICE FOR UNPAID CONTRACT SUPPORT COSTS**

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

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

**DATE: MARCH 10, 2016**

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> )	183.60	X			
	2. VERNON J. SMITH (Gloria Zazueta)	183.60	X			
CHUKUT KUK 332.1	1. ETHEL GARCIA ( <i>Absent</i> ) (Marlakay K. Henry) ( <i>Present</i> )	166.05	X			
	2. BILLMAN LOPEZ ( <i>Absent</i> ) (Patricia Vicenti) ( <i>Present</i> )	166.05	X			
GUACHI 265.0	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	132.50	X			
	2. LORETTA LEWIS ( )	132.50	X			
GU VO 250.6	1. GRACE MANUEL (Dallas Lewis)	125.30	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	125.30	X			
HICKIWAN 205.8	1. LOUIS R. LOPEZ (Shirley Molina)	102.90	X			
	2. SANDRA ORTEGA ( )	102.90	X			
PISINEMO 219.9	1. CHESTER ANTONE ( )	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			
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III ( )	114.30	X			
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	114.30	X			
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. ( )	90.30	X			
	2. QUINTIN C. LOPEZ ( <i>Absent</i> ) (John Fendenheim) ( <i>Present</i> )	90.30	X			
SELLS 513.5	1. ARTHUR WILSON (Beverly Rivas)	256.75	X			
	2. BARBARA HAVIER ( )	256.75	X			
SIF OIDAK 231.6	1. LUCINDA ALLEN (Nicholas Jose)	115.80	X			
	2. MARY LOPEZ ( )	115.80	X			X
TOTAL		3,021.4	3,021.4	-0-	-0-	[01]