## **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**

2       protect and provide for public health, peace, morals, education, and general welfare of the Tohono O'odham Nation and its members" and to "consult, negotiate and conclude agreements and contracts on behalf of the Tohono O'odham Nation with Federal, State and local governments" (Constitution of the Tohono O'odham Nation, Article VI, Sections 1(c)(2) and 1(0); and         7       WHEREAS, the Tohono O'odham Nation ("Nation") has historically constructed for certain federal programs, functions, services or activities ("PESAs") of the Indian Health Service ("IHS") pursuant to the authority conferred on the Nation by the Indian Self-Determination and Education Assistance Act of 1975 (P.L. 93-638; 25 U.S.C. § 450 et seq.); and         WHEREAS, the Nation has entered into Contract No. HIS1249200400001C, dated October 1, 2003, with the Secretary of the U.S. Department of Health and Human Services for the management of certain health services; and         WHEREAS, the Nation has asserted certain claims arising out of IHS's failure to reimburse the Nation's contract support costs incurred in fiscal year 2014 as required by the above-referenced contract; and         WHEREAS, the Hation has asserted certain sudge which litigation will be terminated in return for a compromise payment of \$144,181.00 in additional recurring direct contract support costs and \$29,427.00 in non-recurring indirect contract support costs; and         WHEREAS, the Health and Human Services and Budget and Finance Conmittees have reviewed the agreement and anthorizes the Nation's Chairman to take all actions necessary to carry out this resolution, including execution of the agreement in substantially the form attached berecio.         The foregoing Resolution was passed by the Tohono O'odham Legislative Conncil approves the Settlement Agreee	1	WHEREAS,	the Tohono O'odham Legislative Council is vested with the power to "promote,
3         welfare of the Tohono O'odham Nation and its members" and to "consult, negotiate and conclude agreements and contracts on behalf of the Tohono O'odham Nation with Federal, State and local governments" (Constitution of the Tohono O'odham Nation, Article VI, Sections 1(c)(2) and 1(0); and           7         WHEREAS, the Tohono O'odham Nation ("Nation") has historically contracted for certain federal programs, functions, services or activities ("PFSAs") of the Indian Health Service ("IIIS") pursuant to the authority conferred on the Nation by the Indian Self-Determination and Education Assistance Act of 1975 (P.L. 93-638; 25 U.S.C. § 450 et seq.); and           11         WHEREAS, the Nation has entered into Contract No. HHS1249200400001C, dated October 1. 2003, with the Secretary of the U.S. Department of Health and Human Services for the management of certain health services; and           12         WHEREAS, the Nation has asserted certain claims arising out of HIS's failure to reimburse the Nation's contract support costs incurred in fiscal year 2014 as required by the above-referenced contract; and           18         WHEREAS, the Nation and HIS have negotiated a compromise resolution ("Settlement Agreement") of these claims under which Hitigation will be terminated in reizrn for a compromise payment of \$144,181.00 in additional recurring direct contract support costs and \$29,427.00 in non-recurring indirect contract support costs; and           24         WHEREAS, the Health and Human Services and Budget and Finance Committees have reviewed the agreement and recommend its approval.           25         NOW, THEREFORE, BE IT RESOLVED the Tohono O'odham Legislative Conncil approves the Settlement Agreement and auchorizes the Nation's Chairman to take all action	2		protect and provide for public health, peace, morals, education, and general
4         negotiate and conclude agreements and contracts on behalf of the Tohono O'odbam Nation with Federal, State and local governments" (Constitution of the 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 federal programs, functions, services or activities ("PFSAs") of the Indian Health Service ("IHS") pursuant to the authority conferred on the Nation by the Indian Self-Determination and Education Assistance Act of 1975 (P.L. 93-638; 25 U.S.C. § 450 et seq.); and           12         WHEREAS, the Nation has entered into Contract No. HHS1249200400001C, dated October 1, 2003, with the Secretary of the U.S. Department of Health and Human Services for the management of certain health services; and           13         WHEREAS, the Nation has asserted certain claims arising out of IHS's failure to reimburse the Nation's contract support costs incurred in fiscal year 2014 as required by the above-referenced contract; and           14         WHEREAS, the Nation and HIS have negotiated a compromise resolution ("Settlement Agreement") of these claims under which litigation will be terminated in return for a compromise payment of \$144,181.00 in additional recurring direct contract support costs and \$29,427.00 in non-recurring indirect contract support costs; and           24         WHEREAS, the Health and Human Services and Budget and Finance Committees have reviewed the agreement and authorizes the Nation's Chahrman to take all actions necessary to carry out this resolution, including execution of the agreement in substantially the form attached hereto.           25         The foregoing Resolution was passed by the Tohonon O'odham Legislative Council a	3		
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6       Tohono O'odham Nation, Article VI, Sections 1(c)(2) and 1(0); and         7       WHEREAS, the Tohono O'odham Nation ("Nation") has historically contracted for certain federal programs, functions, services or activities ("PFSAs") of the Indian Health Service ("HIS") pursuant to the authority conferred on the Nation by the Indian Self-Determination and Education Assistance Act of 1975 (P.L. 93-638; 25 U.S.C. § 450 et seq.); and         11       WHEREAS.       the Nation has entered into Contract No. HHS1249200400001C, dated October 1, 2003, with the Secretary of the U.S. Department of Health and Human Services for the management of certain health service; and         12       WHEREAS.       the Nation has asserted certain claims arising out of HIS's failure to reimburse the Nation's contract support costs incurred in fiscal year 2014 as required by the above-referenced contract; and         18       WHEREAS.       the Nation and HIS have negotiated a compromise resolution ("Settlement Agreement") of these claims under which Hitgation will be terminated in return for a compromise payment of \$144,181.00 in additional recurring direct contract support costs and \$29,427.00 in non-recurring indirect contract support costs; and         23       WHEREAS.       the Health and Human Services and Budget and Finance Committees have reviewed the agreement and recommend its approval.         24       Settlement Agreement and authorizes the Nation's Chairman to take all actions substantially the form attached hereto.         25       NOW, THEREFORE, BE IT RESOLVED the Tohono O'odham Legislative Council approves the Settlement Agreement and recommend its approval.         26 <th>5</th> <th></th> <th></th>	5		
<ul> <li>WHEREAS, the Tohono O'odham Nation ("Nation") has historically contracted for certain federal programs, functions, services or activities ("PFSAs") of the Indian Health Service ("HIS") pursuant to the authority conferred on the Nation by the Indian Self-Determination and Education Assistance Act of 1975 (P.L. 93-638; 25 U.S.C. § 450 et seq.); and</li> <li>WHEREAS, the Nation has entered into Contract No. HIS1249200400001C, dated October 1, 2003, with the Secretary of the U.S. Department of Health and Human Services for the management of certain health services; and</li> <li>WHEREAS, the Nation has asserted certain claims arising out of HS's failure to reimburse the Nation's contract support costs incurred in fiscal year 2014 as required by the above-referenced contract; and</li> <li>WHEREAS, the Nation and HIS have negotiated a compromise resolution ("Settlement Agreement") of these claims under which Hitgation will be terminated in return for a compromise payment of \$144,181.00 in additional recurring direct contract support costs and \$29,427.00 in non-recurring indirect contract support costs; and</li> <li>WHEREAS, the Health and Human Services and Budget and Finance Committees have reviewed the agreement and recommend its approval.</li> <li>NOW, THEREFORE, BE IT RESOLVED the Tohono O'odham Legislative Council approves the Settlement Agreement and authorizes the Nation's Chairman to take all actions necessary to carry out this resolution, including execution of the agreement in substantially the form attached hereto.</li> <li>The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 19<sup>10</sup>/ day of MARCH.2016 at a meeting at which a quorum was present with a vote of 3,021,4 FOR; -9- AGAINST: -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(c)(2) and Section 1(d) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation of Jandary Proved by the Acting Deputy Assistant Secretary - Indian Affairs</li></ul>	6		
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 Higation 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 authorizes the Nation's Chairman to take all actions	7	WHEREAS,	
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<ul> <li>22 support costs; and</li> <li>23 WHEREAS, the Health and Human Services and Budget and Finance Committees have reviewed the agreement and recommend its approval.</li> <li>25 NOW, THEREFORE, BE IT RESOLVED the Tohono O'odham Legislative Council approves the Settlement Agreement and authorizes the Nation's Chairman to take all actions necessary to carry out this resolution, including execution of the agreement in substantially the form attached hereto.</li> <li>29 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 10<sup>TH</sup> day of MARCH, 2016 at a meeting at which a quorum was present with a vote of 3,021.4 FOR; -0- AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(c)(2) and Section 1(f) 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).</li> </ul>	21		
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36 37		Deputy Assis	tant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section
37		16 01 the Act (	DI JUNE 18, 1934 (48 Stat.984).

**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) Page 2 of 2

1 2 3 4 5 5 7 8 9	2 3 4 5 6 7 8	ONO O'ODHAM LEGISLATIVE COUNCIL MILLY MA othy Joaquin, Legislative Chairman day of March , 2016									
0	O ATTEST:										
1 2 3	3 Evonne Wilson, Legislative Secretary	Evonne Wilson, Legislative Secretary									
4 5 6 7	day of, 2016										
8 9 0 1	8 O'odham Nation on the <u>15</u> day of <u>11</u> 9 pursuant to the provisions of Section 5 of A 0 effective upon his approval or upon his failu 1 hours of submittal.	Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the day of, 2016 at $4/4/2$ o'clock,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.									
7 8 9		ONO O'ODHAM LEGISLATIVE COUNCIL									
1 2 3	1	B day of March, 2016									
4 5 6 7 8 9 0	9 EDWARD D 0 TOHONO O	day of March, 2016 o'clock,m. 									
9	1       2         3       4         4       5         5       Returned to the Legislative Secretary on the										
1 2	Evonne Wilson, Legislative Secretary										

## 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	<b>X</b>			
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			
GU ACHI 265.0	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	132.50	X			
	2. LORETTA LEWIS ( )	132.50	X			
GU VO	1. GRACE MANUEL	125.30	х			
250.6	(Dallas Lewis) 2. PAMELA ANGHILL (Jeffery Antone, Sr.)	125.30	X			
HICKIWAN	1. LOUIS R. LOPEZ	102.90	x			
205.8	(Shirley Molina) 2. SANDRA ORTEGA ( )	102.90	X			
PISINEMO	1. CHESTER ANTONE	109.95	X			
219.9	( ) 2. MONICA K. MORGAN _ ( )	109.95	x			
SAN LUCY	1. DIANA MANUEL	113.25	X			
226.5	( ) 2. JANA MONTANA (Gloria Ramirez)	113.25	X			
SAN XAVIER	1. DANIEL L.A. PRESTON III	114.30	X			
228.6	() 2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	114.30	X			
SCHUK TOAK	1. ANTHONY J. FRANCISCO JR.	90.30	X			
180.0	2. QUINTIN C. LOPEZ (Absent) (John Fendenheim) (Present)	90.30	X	<b>.</b>		<u> </u>
SELLS 513.5	1. ARTHUR WILSON (Beverly Rivas)	256.75	X			
513.5	(Beveriy Kivas) 2. BARBARA HAVIER ()	256.75	X			
SIF OIDAK		115.80	х			
231.6	(Nicholas Jose) 2. MARY LOPEZ ()	115.80	X			x
	TOTAL	3,021.4	3,021.4	-0-	-0-	[01]