

**LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Designating Representatives and Directing Legislative Committees to Obtain Reports to
Evaluate Self-Governance Proposal)**

LEGISLATIVE ORDER NO. 16-200

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation authorizes the Legislative
2 Council to "provide for, appoint, or provide for the appointment of, and prescribe
3 the duties and powers of committees, boards, officers and agents," to "promote,
4 protect and provide for public health, peace, morals, education and general
5 welfare of the Tohono O'odham Nation and its members," and to "consult,
6 negotiate and conclude agreements and contracts on behalf of the Tohono
7 O'odham Nation with" federal agencies (Constitution, Article VI, Section 1(b),
8 Section 1(c), and 1(f)); and

9 **WHEREAS,** the Indian Self-Determination and Education Assistance Act of 1975 (Pub. L. No.
10 96-638; 25 U.S.C. § 450 et seq.) authorizes the Nation to assume federal programs,
11 functions, services or activities ("PFSAs") by self-determination contract or self-
12 governance compact with the Secretary of the U.S. Department of Health and
13 Human Services; and

14 **WHEREAS,** by Resolution No. 15-111, the Legislative Council authorized planning and
15 evaluation by the Nation to assume remaining federal programs, functions,
16 services and activities carried out by the Indian Health Service, and by Resolution
17 No. 15-365 authorized the Nation, subject to final approval of the Legislative
18 Council, to assume all remaining PFSAs that benefit the Nation and to submit and
19 negotiate to IHS a self-governance proposal; and

20 **WHEREAS,** a self-governance steering committee consisting of the relevant Nation's
21 Executive Branch departments, Executive Branch staff, designated legal counsel
22 and consultants has communicated with the IHS to acquire the information
23 necessary to evaluate the Nation's self-governance proposal; and

24 **WHEREAS,** while the Health and Human Services Committee is involved with ongoing self-
25 governance steering committee meetings, the Legislative Council requires
26 additional reports and information to evaluate the self-governance proposal
27 before making a final determination.

28 **NOW, THEREFORE, BE IT ORDERED** that the Tohono O'odham Legislative Council directs the
29 Health and Human Services, Budget and Finance, Commerce, Domestic Affairs,
30 and Human Resources Development Committees to each designate a committee
31 member:

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- 1 (1) to regularly attend the self-governance steering committee and related
2 meetings and to report to the Council standing committee on a weekly
3 basis;
4 (2) at the relevant committee or Legislative Council's request, to obtain
5 written reports from the self-governance steering committee addressing
6 issues under each Legislative Council committee's jurisdiction, including
7 the short-term and long-term impacts of self-governance on the Nation's
8 departments and programs, governmental structure, and finances; and
9 (3) report regularly, in collaboration with the self-governance steering
10 committee, to the full Legislative Council and upon request.

11 **BE IT FINALLY ORDERED** by the Tohono O'odham Legislative Council that prior to the review and
12 consideration of any final self-governance agreement with the Secretary
13 of Health and Human Services, the Legislative Council shall be provided
14 with:

- 15 (1) a written self-governance proposal transition plan; and
16 (2) written reports requested by the identified Legislative Council
17 committees, including but not limited to written reports assessing the
18 short-term and long-term impacts on the Nation's departments and
19 programs, governmental structure, and finances.

20 The foregoing Order was passed by the Tohono O'odham Legislative Council on the 06TH day of
21 MAY, 2016 at a meeting at which a quorum was present with a vote of 2,792.8 FOR; ~~0~~ AGAINST;
22 ~~0~~ NOT VOTING; and 228.6[07] ABSENT, pursuant to the powers vested in the Council by Article
23 VI, Section 1(a) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono
24 O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -
25 Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934
26 (48 Stat.984).

27
28 TOHONO O'ODHAM LEGISLATIVE COUNCIL

29
30  FOR
31 Timothy Joaquin, Legislative Chairman

32
33 10TH day of May, 2016
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35

36 ATTEST:

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39 Evonne Wilson, Legislative Secretary

40 10 day of May, 2016
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