

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Self-Governance Compact Between the Tohono O'odham Nation and
the United States Department of Health and Human Services Indian Health Service)

RESOLUTION NO. 16-261

1 **WHEREAS, the Tohono O'odham Legislative Council is authorized "to promote, protect and**
2 **provide for public, health, peace, morals, education and general welfare of the**
3 **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**
6 **1(c)(2) and Section 1(f)); and**

7 **WHEREAS, the Indian Self-Determination and Education Assistance Act of 1975 (Public Law**
8 **93-638, 25 U.S.C. § 450 ("Act") authorizes the Nation to assume federal programs,**
9 **functions, services or activities ("PFSAs") through a self-governance compact**
10 **pursuant to Title V of the Act with the Secretary of the U.S. Department of Health**
11 **and Human Services, Indian Health Service ("IHS"); and**

12 **WHEREAS, pursuant to Legislative Council Resolution No. 15-111, the Tohono O'odham**
13 **Nation ("Nation") notified the Indian Health Service, of the Nation's intent to**
14 **engage in planning and evaluation of all PFSAs benefiting the Nation and to**
15 **obtain necessary documents regarding PFSAs in support of the Nation's**
16 **planning and evaluation; and**

17 **WHEREAS, pursuant to Legislative Council Resolution No. 15-365, the Nation authorized the**
18 **Nation's Chairperson and/or his designee to develop the documents necessary**
19 **for the Nation to assume operation of additional IHS PFSAs and also authorized**
20 **the Chairperson and/or his designee, in coordination with the Health and**
21 **Human Services Committee, to negotiate and submit to IHS a self-governance**
22 **proposal; and**

23 **WHEREAS, consistent with Legislative Council Resolution No. 15-365, the Nation's**
24 **Chairperson designated as Lead Negotiators Myra Munson of the Sonosky Firm**
25 **and Michelle Begay, Interim Executive Director of the Nation's Department of**
26 **Health and Human Services, to negotiate a Self-Governance Compact**
27 **("Compact"), which includes by reference the Funding Agreement, on behalf of**
28 **the Nation; and**

29 **WHEREAS, a Steering Committee was formed consisting of Legislative Council**
30 **representatives and staff, legal and operational consultants, and employees**

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1 from the Nation's Department of Health and Human Services, Office of Attorney
2 General, Department of Information and Technology, Department of Public
3 Safety, Department of Planning and Economic Development, Facilities,
4 Accounting, Grants and Contracts, Human Resources and the Executive Office,
5 to assist and lead negotiators in the development of the Compact; and

6 **WHEREAS,** the Health and Human Services Committee reviewed the Compact and
7 recommends its approval.

8 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council approves the
9 Self-Governance Compact, substantially in the form attached, with the United
10 States Department of Health and Human Services, Indian Health Service
11 effective July 1, 2016, and authorizes and directs the Chairperson of the Nation
12 to execute the Compact and to negotiate and execute the Funding Agreement for
13 the maximum allowable funding.

14 **BE IT FINALLY RESOLVED** that the Tohono O'odham Legislative Council authorizes and directs
15 the Chairperson of the Nation to negotiate and execute the following related
16 agreements: (1) A Buyback Agreement for the purchase of goods and services
17 from IHS, which include Intergovernmental Personnel Agreements,
18 Memorandums of Agreement for Commission Corps personnel, Pharmaceutical
19 and Supplies from National Supply Service Center, and other related contracts
20 to ensure continuity of services; and (2) a Facility Use Agreement for the Nation
21 to use IHS facilities.

22 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 14TH**
23 **day of JUNE, 2016 at a meeting at which a quorum was present with a vote of 2,140.0 FOR; \$81.40**
24 **AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by**
25 **Article VI, Section 1(c)(2) and Section 1(f) of the Constitution of the Tohono O'odham Nation,**
26 **adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting**
27 **Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section**
28 **16 of the Act of June 18, 1934 (48 Stat.984).**

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31 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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35 **Timothy Joaquin, Legislative Chairman**

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37 15TH day of June, 2016
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1 **ATTEST:**

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4 **Evonne Wilson, Legislative Secretary**

5 15 day of June, 2016

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8 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**
9 **O'odham Nation on the 15 day of June, 2016 at 12:16 o'clock, P.m.,**
10 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**
11 **effective upon his approval or upon his failure to either approve or disapprove it within 48**
12 **hours of submittal.**

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15 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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19 **Timothy Joaquin, Legislative Chairman**

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24 **APPROVED**

on the 15th day of June, 2016

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26 **DISAPPROVED**

at 2:36 o'clock, P.m.

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

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36 **Returned to the Legislative Secretary on the 15 day of**

37 June, 2016, at 2:55 o'clock, P.m.

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41 **Evonne Wilson, Legislative Secretary**

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ACTION: APPROVING SELF-GOVERNANCE COMPACT BETWEEN THE TOHONO O'ODHAM NATION AND THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES INDIAN HEALTH SERVICE

Moved: COUNCILWOMAN GRACE MANUEL

SECOND: COUNCILMAN ANTHONY J. FRANCISCO, JR.

DATE: JUNE 14, 2016

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 367.2	1. FRANCES MIGUEL (Roberta E. Harvey)	183.60	X			
	2. VERNON J. SMITH (Gloria Zazueta)	183.60	X			
CHUKUT KUK 332.1	1. ETHEL GARCIA (Marlakay K. Henry)	166.05	X			
	2. BILLMAN LOPEZ (Patricia Vicenti)	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 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			X
	2. JANA MONTANA (Gloria Ramirez)	113.25	X			
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III ()	114.3	X			
	2. RACHEAL VILSON-STONER <i>(Absent)</i> (Olivia Villegas-Liston) <i>(Present)</i>	114.3	X			
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. ()	90.3	X			
	2. QUINTIN C. LOPEZ <i>(Absent)</i> (John Fendenheim) <i>(Present)</i>	90.3	X			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			
TOTAL		3,021.4	2,140.0	881.40	-0-	[02]