

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Appropriating Gaming Savings for Fiscal Year 2017 Tohono O'odham Nursing Care
Authority Operations and Amending Amended and Restated Tohono O'odham
Nursing Care Authority Charter)**

RESOLUTION NO. 16-391

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council**
2 **with the power to appropriate Nation's funds "for the benefit of the [N]ation and**
3 **its members" and to provide laws "to promote, protect and provide for public**
4 **health, peace, morals, education and general welfare of the Tohono O'odham**
5 **Nation and its members" (Constitution, Article VI, Section 1(d)(2) and 1(c)(2));**
6 **and**

7 **WHEREAS, the Tohono O'odham Nursing Care Authority ("TONCA") and the Archie**
8 **Hendricks Sr. Skilled Nursing Facility were created by the Nation and are vital**
9 **resources for aging O'odham (17 Tohono O'odham Code Chapter 2, Amended**
10 **and Restated Tohono O'odham Nursing Care Authority Charter); and**

11 **WHEREAS, by Resolutions No. 03-546, No. 07-452, and No. 10-436, the Legislative Council**
12 **appropriated gaming savings funds to subsidize TONCA's operations for fiscal**
13 **years 2004 through 2016; and**

14 **WHEREAS, since the Nation's FY 2004 appropriation of \$4,013,875, the annual subsidy to**
15 **TONCA has grown to \$7,086,048 in FY 2016 and the Authority has received a**
16 **funding increase every year for 13 consecutive years; and**

17 **WHEREAS, in contrast, the Nation's FY 2016 budgets generally include 10% reductions from**
18 **FY 2015 levels for all three branches of government; and**

19 **WHEREAS, TONCA has met with its oversight committee, Health and Human Services, and**
20 **with the Budget and Finance Committee on several occasions to discuss TONCA's**
21 **next multi-year subsidy request and the continued availability of gaming**
22 **savings funding; and**

23 **WHEREAS, TONCA is able to maintain its services for one additional year, through fiscal**
24 **year 2017, at a reduction of five percent from the fiscal year 2016 level; and**

25 **WHEREAS, appropriating funds to subsidize TONCA for one additional year at this time will**
26 **allow the Nation to evaluate its financial resources and allow TONCA to further**
27 **evaluate cost-saving measures that would not compromise the health of its**
28 **patients and residents; and**

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1 **WHEREAS, the Health and Human Services and Budget and Finance Committees**
2 **recommend that the Legislative Council appropriate \$6,731,746 from gaming**
3 **savings for TONCA's FY 2017 operations; and**

4 **WHEREAS, in order to clarify the roles of the Nursing Care Authority Board of Directors and**
5 **Administrator, the Health and Human Services Committee has also drafted the**
6 **August 2016 Tohono O'odham Nursing Care Authority Charter Amendments,**
7 **which are incorporated by this reference and which the Committee**
8 **recommends be adopted.**

9 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council**
10 **appropriates \$6,731,746 from gaming savings to TONCA to support its operations**
11 **for fiscal year 2017; provided that:**

- 12 **1. \$6,731,746 will be transferred from the Nation to TONCA on October 1,**
13 **2016.**
- 14 **2. Funds will be wired to TONCA's account without further Tohono O'odham**
15 **Legislative Council action; all funds shall remain assets of the Nation**
16 **until transferred to TONCA.**
- 17 **3. Pursuant to 26 T.O.C. Chapter 1, Article 3, Section 1301(A), TONCA shall**
18 **consult the Nation's districts before presenting its next multi-year**
19 **gaming savings subsidy request to the Legislative Council committees**
20 **and full Council.**

21 **BE IT FURTHER RESOLVED that the Nation's gaming savings appropriations to the TONCA in**
22 **fiscal years 2018-2021 shall not exceed \$6,731,746 annually and are subject to**
23 **Legislative Council approval after consultation in accordance with 26 T.O.C.**
24 **Chapter 1, Article 3, Section 1301(A).**

25 **BE IT FURTHER RESOLVED that the TONCA Board shall provide to the Health and Human**
26 **Services and Budget and Finance Committees upon request any Authority**
27 **records or reports for which disclosure is not prohibited by law, and shall make**
28 **a financial and operational report, including a detailed expenditure report, to**
29 **the Legislative Council within 90 days after the effective date of this resolution;**

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1 provided that the report shall also include additional information requested by
2 the Committee.

3 **BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council adopts the August 2016**
4 **Tohono O'odham Nursing Care Authority Charter Amendments.**

5 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 04TH
6 day of AUGUST, 2016 at a meeting at which a quorum was present with a vote of 2,792.8 FOR; -0-
7 AGAINST; -0- NOT VOTING; and 228.6[06] ABSENT, pursuant to the powers vested in the Council
8 by Article VI, Section 1(d)(2) and (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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13 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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17 Timothy Joaquin, Legislative Chairman

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19 9TH day of August, 2016

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23 ATTEST:

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26 Evonne Wilson, Legislative Secretary

27
28 8 day of August, 2016

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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 9 day of August, 2016 at 9:20 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

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APPROVED

on the 10 day of August, 2016

DISAPPROVED

at 10:47 o'clock, A.m.


EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 10 day of
August, 2016, at 11:50 o'clock, a.m.


Evonne Wilson, Legislative Secretary

ACTION: APPROPRIATING GAMING SAVINGS FOR FISCAL YEAR 2017 TOHONO O'ODHAM NURSING CARE AUTHORITY OPERATIONS AND AMENDING AMENDED AND RESTATED TOHONO O'ODHAM NURSING CARE AUTHORITY CHARTER

MOVED: COUNCILMAN ARTHUR WILSON

SECOND: COUNCILMAN ANTHONY J. FRANCISCO JR.

DATE: AUGUST 04, 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 (<i>Absent</i>) (Gloria Zazueta) (<i>Present</i>)	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			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			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			X
	2. MONICA K. MORGAN ()	109.95	X			
SAN LUCY 226.5	1. DIANA MANUEL ()	113.25	X			
	2. JANA MONTANA (<i>Absent</i>) (Gloria Ramirez) (<i>Present</i>)	113.25	X			X
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III ()	114.3				X
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	114.3				X
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. ()	90.3	X			
	2. QUINTIN C. LOPEZ (John Fendenheim)	90.3	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	2,792.8	-0-	-0-	228.6