

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Affirming Authority of Tohono O'odham Nation Health Care Governing Body
and Extending Time to Develop Governing Body Bylaws)

RESOLUTION NO. 16-487

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation vests the Tohono O'odham
2 Legislative Council with the authority to enact laws "to promote, protect and
3 provide for public health, peace, morals, education and general welfare of the
4 Tohono O'odham Nation and its members" and to "provide for, appoint, or
5 provide for the appointment of, and prescribe the duties and powers of
6 committees, boards, officers and agents" (Constitution, Article VI, Section 1(c)(2)
7 and 1(b)); and
8 **WHEREAS,** by Resolution No. 16-261 and pursuant to the Indian Self-Determination and
9 Education Assistance Act of 1975 (Public Law 638, 25 U.S.C. § 450), the Legislative
10 Council approved a self-governance compact between the Tohono O'odham
11 Nation and the United States Department of Health and Human Services, Indian
12 Health Service for the assumption of certain health-related federal programs,
13 functions, services, and activities on the Tohono O'odham Nation, including the
14 operation and management of the Sells Hospital and other health care facilities;
15 and
16 **WHEREAS,** pursuant to 42 CFR § 482.12 Condition of participation: Governing body, a
17 hospital participating in Medicare must have "an effective governing body that
18 is legally responsible for the conduct of the hospital" or, "[i]f a hospital does not
19 have an organized governing body, the persons legally responsible for the
20 conduct of the hospital must carry out the functions specified in this part that
21 pertain to the governing body."; and
22 **WHEREAS,** by Resolution No. 16-308 "Establishing Tohono O'odham Nation Health Care
23 Governing Body and Appointing Interim Members," the Tohono O'odham
24 Legislative Council established and authorized the Tohono O'odham Nation
25 Health Care Governing Body to carry out the functions specified in 42 C.F.R. Part
26 482 that pertain to the Governing Body, appointed interim Governing Body
27 members, authorized the Governing Body to use the former Governing Body
28 Bylaws "as a temporary operating guide to the extent not inconsistent with
29 Nation's law," and directed the Department of Health and Human Services and
30 the Legislative Health and Human Services Committee to draft for the Council's
31 review and approval bylaws for the Tohono O'odham Health Care Governing
32 Body within 90 days of the effective date of Resolution No. 16-308; and
33 **WHEREAS,** the Department of Health and Human Services and Health and Human Services
34 Committee have requested additional time to draft the Tohono O'odham Health
35 Care Governing Body Bylaws; and

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1 **WHEREAS, the Health and Human Services Committee recommends extending the time for**
2 **the Committee and Department of Health and Human Services to draft Tohono**
3 **O'odham Health Care Governing Body Bylaws for the Council's review.**

4 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it:**

- 5 (1) **extends the deadline for the Department of Health and Human Services**
6 **and the Health and Human Services Committee to draft for the**
7 **Legislative Council's review and approval Tohono O'odham Health Care**
8 **Governing Body Bylaws to January 15, 2017; and**
9 (2) **affirms the membership and authorities vested in the Tohono O'odham**
10 **Health Care Governing Body by Resolution No. 16-308, including the**
11 **authority to carry out the functions specified in 42 C.F.R. Part 482 that**
12 **pertain to the Governing Body .**

13 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 29TH**
14 **day of SEPTEMBER, 2016 at a meeting at which a quorum was present with a vote of 2,538.15**
15 **FOR; 256.75 AGAINST; -0- NOT VOTING; and 226.5 [05] ABSENT, pursuant to the powers vested in**
16 **the Council by Article VI, Section 1(c)(2) and 1(b) of the Constitution of the Tohono O'odham**
17 **Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the**
18 **Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to**
19 **Section 16 of the Act of June 18, 1934 (48 Stat.984).**

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22 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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26 **Timothy Joaquin, Legislative Chairman**

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28 7 day of October, 2016

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32 **ATTEST:**

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35 **Evonne Wilson, Legislative Secretary**

36 6 day of October, 2016


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39 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**
40 **O'odham Nation on the 7 day of October, 2016 at 1:41 o'clock, p .m.,**
41 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**
42 **effective upon his approval or upon his failure to either approve or disapprove it within 48**
43 **hours of submittal.**
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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman

APPROVED

on the 10th day of October, 2016

DISAPPROVED

at 3:04 o'clock, P.m.



EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 10 day of

October, 2016, at 3:15 o'clock, P.m.



Evonne Wilson, Legislative Secretary

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ACTION: AFFIRMING AUTHORITY OF TOHONO O'ODHAM NATION HEALTH CARE GOVERNING BODY AND EXTENDING TIME TO DEVELOP GOVERNING BODY BYLAWS

MOVED: COUNCILWOMAN SANDRA ORTEGA

SECOND: COUNCILMAN CHESTER ANTONE

DATE: SEPTEMBER 29, 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			X
	2. BILLMAN LOPEZ (Patricia Vicenti)	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 (<i>Absent</i>) (Gloria Ramirez) (<i>Present</i>)	113.25				X
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III ()	114.30	X			X
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	114.30	X			
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. ()	90.30	X			X
	2. QUINTIN C. LOPEZ (<i>Absent</i>) (John Fendenheim) (<i>Present</i>)	90.30	X			
SELLS 513.5	1. ARTHUR WILSON (<i>Absent</i>) (Beverly Rivas) (<i>Present</i>)	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	2,538.15	256.75	-0-	226.5 [05]