RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Adopting March 2019 Amendments to Tohono O'odham Nation Health Care
Governing Body Bylaws)

RESOLUTION NO. 19-087

WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council with
the authority to enact laws "to promote, protect and provide for public health,
peace, morals, education and general welfare of the Tohono O'odham Nation and
its members" (Constitution, Article VI, Section 1(c)(2)); and

WHEREAS, by Resolution No. 16-261 and pursuant to the Indian Self-Determination and
Education Assistance Act of 1975 (Public Law 93-638, 25 U.S.C. § 450), the
Legislative Council approved a self-governance compact between the Tohono
O'odham Nation and United States Department of Health and Human Services,
Indian Health Service for the assumption of certain health-related federal
programs, functions, services, and activities, including the operation and
management of the Sells Hospital and other health care facilities; and

WHEREAS, pursuant to 42 C.F.R. § 482.12 Condition of participation: Governing body, a
hospital participating in Medicare must have "an effective governing body that is
legally responsible for the conduct of the hospital" or, "[i]f a hospital does not
have an organized governing body, the persons legally responsible for the
conduct of the hospital must carry out the functions specified in this part that
pertain to the governing body."; and

WHEREAS, by Resolution No. 16-308, "Establishing Tohono O'odham Nation Health Care
Governing Body and Appointing Interim Members," and subsequently by
Resolution No. 16-487, "Affirming Authority of Tohono O'odham Nation Health
Care Governing Body and Extending Time to Develop Governing Body Bylaws," the
Legislative Council established, authorized, and reaffirmed the authority of the
Tohono O'odham Nation Health Care Governing Body, appointed interim
Governing Body members, and directed the Department of Health and Human
Services and Legislative Council Health and Human Services Committee to draft
for the Council's review and approval bylaws for the Tohono O'odham Nation
Health Care Governing Body; and

WHEREAS, by Resolution No. 16-308, the Legislative Council appointed nine voting interim
Governing Body members, members of the Patient Advisory Council, Chairman
or Vice Chairman of the Nation, the Legislative Council Health and Human
Services Committee, and Assistant Attorney General (Health), Office of Attorney
General as interim, ex officio, non-voting members; and

WHEREAS, by Resolution No. 17-026, the Legislative Council approved the January 2017
Tohono O'odham Nation Health Care ("TONHC") Governing Body Bylaws,
establishing a seven-member governing body legally responsible for the conduct
RESOLUTION NO. 19-087
(Adopting March 2019 Amendments to Tohono O'odham Nation Health Care Governing Body Bylaws)

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WHEREAS, of the Sells Hospital, San Simon Health Center, Santa Rosa Health Center, and San Xavier Health Center; and

WHEREAS, with recommendations from TONHC and the Nation's Chairman, the Health and Human Services and Rules Committees proposed amendments to the TONHC Governing Body Bylaws, which are dated March 2019 and incorporated by this reference; and

WHEREAS, the March 2019 Amendments move TONHC from the Department of Health and Human Services to a separate governmental department within the Executive Branch, reduces the number of voting members from seven to five, adds two ex officio members, and clarifies the quorum provision; and

WHEREAS, in the interests of supporting the operations of and services provided by TONHC to Nation's members and to further the effective transition of TONHC from an Executive Branch department to a Nation's chartered entity, the Health and Human Services and Rules Committees recommend adoption of the March 2019 Amendments to the TONHC Governing Body Bylaws.

NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council:

1. Adopts the March 2019 Amendments to the TONHC Governing Body Bylaws, provided that any appointments to the Governing Body under the January 2017 Governing Body Bylaws remain valid; and

2. Amends the department name of all previously approved Tohono O'odham Nation Health Care budgets from the Department of Health and Human Services to Tohono O'odham Nation Health Care.

BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council directs the Health and Human Services Committee to continue identifying issues and providing recommendations in order to effectively transition Tohono O'odham Nation Health Care from an Executive Branch department to a Nation's chartered entity.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08th day of MARCH, 2019 at a meeting at which a quorum was present with a vote of 2,271.45 FOR; 347.25 AGAINST; 0- NOT VOTING; and 465.9 [07] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(c)(2) 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).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Timothy Joaquin, Legislative Chairman

11 day of March, 2019
RESOLUTION NO. 19-087
(Adopting March 2019 Amendments to Tohono O'odham Nation Health Care Governing Body Bylaws)
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ATTEST:

Evonne Wilson, Legislative Secretary

day of March, 2019

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the day of March, 2019 at o'clock, p.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.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Timothy Joaquin, Legislative Chairman

☑ APPROVED on the day of March, 2019

[ ] DISAPPROVED at o'clock, p.m.

EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the day of March, 2019, at o'clock, p.m.

Evonne Wilson, Legislative Secretary
**RESOLUTION NO. 19-087**

**ACTION:** ADOPTING MARCH 2019 AMENDMENTS TO TOHONO O'ODHAM NATION HEALTH CARE GOVERNING BODY BYLAWS

**MOVED:** COUNCILMAN ANTHONY J. FRANCISCO, JR.  
**SECOND:** COUNCILWOMAN JANICE FELIX

**DATE:** MARCH 08, 2019

<table>
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<tr>
<th>DISTRICT</th>
<th>LEGISLATIVE REPRESENTATIVES</th>
<th># OF VOTES</th>
<th>FOR</th>
<th>AGAINST</th>
<th>NOT VOTING</th>
<th>ABSENT</th>
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| "SIF OIDAK" 235.8 | 1. MARY LOPEZ ( )  
                  2. LUCINDA ALLEN (Volonda Garcia) | 117.9 | X | 117.9 | | |
| "SELS" 527.2 | 1. ARTHUR WILSON (Evelyn Juan Manuel)  
                  2. ADRIANNE TILLER ( ) | 263.6 | X | 263.6 | | |
| "SCHUK TOAK" 185.7 | 1. ANTHONY J. FRANCISCO JR. (Teresa E. Donahue)  
                  2. QUINTIN C. LOPEZ (Agnes V. Joaquin) | 92.85 | X | 92.85 | | X |
| "SAN XAVIER" 232.3 | 1. DANIEL L. A. PRESTON III (Felicia Nunez)  
                  2. JANICE FELIX (Adam Andrews) | 116.15 | X | 116.15 | | |
| "SAN LUCY" 231.1 | 1. JANA MONTANA (Diana Manuel)  
                  2. GLORIA RAMIREZ (Lorraine Elter) | 115.55 | X | 115.55 | | X |
| "PISINEMO" 225.9 | 1. CHESTER ANTONIE (Caroline D. Garcia)  
                  2. MONICA K. MORGAN ( ) | 112.95 | X | 112.95 | | |
| "HICKIWAN" 209.0 | 1. LOUIS R. LOPEZ (Shirley Molina)  
                  2. SANDRA D. ORTEGA ( ) | 104.5 | X | 104.5 | | X |
| "GU VO" 256.9 | 1. GRACE MANUEL ( )  
                  2. DALLAS LEWIS (Absent) (Nacho Flores) (Present) | 128.45 | X | 128.45 | | X |
| "GU ACHI" 270.9 | 1. TIMOTHY L. JOAQUIN (Louis L. Johnson)  
                  2. LORETTA LEWIS (Victoria Hobbs) | 135.45 | X | 135.45 | | X |
| "CHUKUT KUK" 337.7 | 1. BILLMAN LOPEZ (Absent) (Patricia Antone) (Present)  
                  2. VIVIAN JUAN-SAUNDERS (Juanita Homer) | 168.85 | X | 168.85 | | X |
| "BABOQUIVARI" 372.1 | 1. FRANCES MIGUEL (Absent) (Roberta E. Harvey) (Present)  
                  2. LEANDER MASE (Francine Schooling) | 186.05 | X | 186.05 | | X |

**TOTAL** 3,084.6 2,271.45 347.25 -0- 465.9