

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving the Five-Year Funding Agreement for Older Americans Act, Title III Funding)**

RESOLUTION NO. 21-145

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to "consult,**
2 **negotiate and conclude agreements and contracts on behalf of the Tohono**
3 **O'odham Nation with Federal, State and local governments . . . on all matters**
4 **within the authority of the Tohono O'odham Council" and to "manage any funds**
5 **within the exclusive control of the Tohono O'odham Nation . . . and to appropriate**
6 **these funds for the benefit of the nation and its members" (Constitution of the**
7 **Tohono O'odham Nation, Article VI, Section 1(f) and 1(d)(2)); and**

8 **WHEREAS, the Tohono O'odham Nation has successfully operated the Department of Health**
9 **and Human Services, Division of Senior Services, which provides services for the**
10 **Nation's elders; and**

11 **WHEREAS, funding for the Division of Senior Services' operation is made possible, in part by**
12 **Title III of the Older Americans Act, which provides for funds that are**
13 **administered through the Inter-Tribal Council of Arizona, Inc. ("ITCA"); and**

14 **WHEREAS, Title III funds are necessary for the program to continue to provide nutrition,**
15 **socialization, transportation, and home delivered meal services to eligible elders**
16 **and to continue to provide caregiver support services to caregivers of elders and**
17 **elders raising grandchildren; and**

18 **WHEREAS, the Nation's process for grant fund applications provides that "[i]f an Executive**
19 **Department's grant fund application is approved by its appropriate funding**
20 **authority, that Department must then seek review and approval by the**
21 **appropriate Committee(s) of the Tohono O'odham Legislative Council and the**
22 **Chairman of the Nation to receive and expend such grant funds." (Process for**
23 **Grant Fund Applications by the Executive Branch, approved by Resolution No. 99-**
24 **059, amended by Resolution No. 16-149); and**

25 **WHEREAS, the ITCA's Area Agency on Aging, Region 8 was awarded a new five-year contract**
26 **by the Arizona Department of Economic Security, Division of Aging and Adult**
27 **Services and has extended to the Nation a five-year Funding Agreement for Older**
28 **Americans Act, Title III Funding; and**

29 **WHEREAS, the Division of Senior Services budget has been identified as the contributing**
30 **source to meet Title III's fund matching requirements by providing in-kind**
31 **services; and**

32 **WHEREAS, the Funding Agreement for Older Americans Act, Title III Funding, effective July**
33 **1, 2020 to June 30, 2025, which is incorporated by this reference, requires**
34 **approval by the Tohono O'odham Nation; and**

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1 **WHEREAS, Section 42 of the Funding Agreement provides that the Nation agrees for the**
2 **limited purposes of enforcement of the Agreement that the Nation will not assert**
3 **sovereign immunity as a defense; and**

4 **WHEREAS, Section 44 of the Funding Agreement provides that the Nation agrees to**
5 **indemnify, defend, save and hold harmless ITCA, the State of Arizona, and any**
6 **jurisdiction or agency issuing any permits for work arising out of the Agreement,**
7 **and their respective directors, officers, officials, agents, and employees from and**
8 **against any and all claims, actions, liabilities, damages, losses, or expenses**
9 **(including court costs, attorney's fees, and cost of claim processing, investigation**
10 **and litigation) for bodily injury or personal injury, or loss or damage to tangible**
11 **or intangible property caused, or alleged to be caused, in whole or in part, by the**
12 **negligent or willful acts or omissions of the Nation or any of the directors, officers,**
13 **agents, or employees or subcontractors of the Nation. . . ; and**

14 **WHEREAS, the Health and Human Services Committee has reviewed the five-year Funding**
15 **Agreement for Older Americans Act, Title III Funding and recommends approval.**

16 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**
17 **five-year Funding Agreement for Older Americans Act, Title III Funding, effective**
18 **July 1, 2020 to June 30, 2025.**

19 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that the Tohono O'odham**
20 **Nation chairperson or any designated official is authorized and directed to**
21 **execute the five-year Funding Agreement for Older Americans Act, Title III**
22 **Funding, provided that any amendments shall be submitted for prior approval by**
23 **the Tohono O'odham Legislative Council.**

24 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 04TH**
25 **day of MAY, 2021 at a meeting at which a quorum was present with a vote of 3,175.7 FOR; -0-**
26 **AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by**
27 **Article VI, Section 1(d)(2) and Section 1(f) of the Constitution of the Tohono O'odham Nation,**
28 **adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy**
29 **Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the**
30 **Act of June 18, 1934 (48 Stat.984).**

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32 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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36 **Timothy Joaquin, Legislative Chairman**

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38 5 day of May, 2021
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1 **ATTEST:**

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4 **Evonne Wilson, Legislative Secretary**

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6 4 day of May, 2021

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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 5 day of May, 2021 at 3:27 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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14 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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17 **Timothy Joaquin, Legislative Chairman**

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22 **APPROVED**

on the 06 day of May, 2021

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24 **DISAPPROVED**

at 1:05 o'clock, P.m.

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27 **NED NORRIS, JR., CHAIRMAN**
28 **TOHONO O'ODHAM NATION**

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35 **Returned to the Legislative Secretary on the 6 day of**

36 May, 2021, at 4:30 o'clock, P.m.

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39 **Evonne Wilson, Legislative Secretary**

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ACTION: APPROVING THE FIVE-YEAR FUNDING AGREEMENT FOR OLDER AMERICANS ACT, TITLE III FUNDING

MOVED: VICE CHAIRMAN QUINTIN C. LOPEZ

SECOND: COUNCILMAN LEANDER MASE

DATE: MAY 04, 2021

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 384.8	1. LEANDER MASE (Francine Schooling)	192.40	X			
	2. ALBERTA J. RAY (Frances G. Antone)	192.40	X			
CHUKUT KUK 347.5	1. VIVIAN JUAN-SAUNDERS (Juanita Homer)	173.75	X			
	2. MARLAKAY HENRY (Billman Lopez)	173.75	X			
GU ACHI 279.3	1. VICTORIA HOBBS ()	139.65	X			
	2. TIMOTHY L. JOAQUIN ()	139.65	X			
GU VO 264.5	1. DALLAS LEWIS (Nacho Flores)	132.25	X			
	2. GRACE MANUEL ()	132.25	X			
HICKIWAN 213.8	1. SANDRA D. ORTEGA ()	106.90	X			
	2. LOUIS R. LOPEZ (Delma M. Garcia)	106.90	X			X
PISINEMO 230.7	1. MONICA K. MORGAN ()	115.35	X			
	2. MARIETTA MARTIN ()	115.35	X			
SAN LUCY 235.6	1. GLORIA RAMIREZ ()	117.80	X			
	2. JANA MONTANA (Lorraine M. Eiler)	117.80	X			
SAN XAVIER 238.9	1. JANICE FELIX (Adam Andrews)	119.45	X			
	2. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	119.45	X			
SCHUK TOAK 189.0	1. QUINTIN C. LOPEZ (Agnes V. Joaquin)	94.50	X			
	2. TERESA F. DONAHUE (Alberta Espinoza)	94.50	X			
SELLS 547.1	1. EVELYN JUAN MANUEL ()	273.55	X			
	2. ARTHUR WILSON ()	273.55	X			
SIF OIDAK 244.5	1. LUCINDA ALLEN (Yolonda Garcia)	122.25	X			
	2. MARY LOPEZ (Ann M. Garcia)	122.25	X			
TOTAL		3,175.7	3,175.7	-0-	-0-	[01]