

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Appropriating Gaming Savings for Tohono O'odham Nursing Care Authority  
Operations in Fiscal Years 2022-2026)**

**RESOLUTION NO. 21-269**

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

6 **WHEREAS, the Tohono O'odham Nursing Care Authority ("TONCA") was established by the**  
7 **Nation and operates the Archie Hendricks, Sr. Skilled Nursing Facility and the**  
8 **Tohono O'odham Elder Living Residence, which are vital resources for aging**  
9 **O'odham and others in need of such services (17 Tohono O'odham Code Chapter**  
10 **2 - Tohono O'odham Nursing Care Authority); and**

11 **WHEREAS, by Resolution Nos. 03-546, 07-452, 10-436, 16-391, and 17-302, the Legislative**  
12 **Council appropriated gaming savings funds to subsidize TONCA's operations for**  
13 **fiscal years 2004-2021; and**

14 **WHEREAS, from FY 2004 to FY 2016, the Nation's annual appropriation to TONCA grew from**  
15 **\$4,013,875 to \$7,086,048 as the costs of healthcare increased; and**

16 **WHEREAS, pursuant to Resolution No. 17-302, the Legislative Council appropriated**  
17 **\$6,731,746 annually from gaming savings for TONCA's fiscal years 2018-2021**  
18 **operations; and**

19 **WHEREAS, based on its best projections of need, through strategic planning and proactive**  
20 **efforts at the state and federal level, TONCA is able to reduce the appropriation**  
21 **request notwithstanding rising healthcare costs and with regulations and**  
22 **inspections becoming more rigorous and more persistent; and**

23 **WHEREAS, TONCA has consulted with each of the Nation's districts in accordance with 26**  
24 **Tohono O'odham Code Chapter 1, Article 3, Section 1301(A) and the TONCA Board**  
25 **of Directors has enacted a resolution requesting an annual subsidy from the**  
26 **Nation in the following amounts for each fiscal year:**

- 27 1. \$5,474,633 for FY 2022,
- 28 2. \$4,723,422 for FY 2023,
- 29 3. \$4,849,885 for FY 2024,
- 30 4. \$4,979,962 for FY 2025, and
- 31 5. \$5,113,772 for FY 2026, for a combined total of \$25,141,674 from gaming
- 32 savings for continued operations; and

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1 **WHEREAS, TONCA has confirmed with the Treasurer of the Tohono O'odham Nation that**  
2 **there are sufficient funds in gaming savings to support TONCA's multi-year**  
3 **appropriation request for FY 2022-2026; and**

4 **WHEREAS, the Health and Human Services and Budget and Finance Committees have**  
5 **reviewed the TONCA's multi-year appropriation request and recommend**  
6 **approval.**

7 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that the Tohono**  
8 **O'odham Legislative Council appropriates the following amounts for each fiscal**  
9 **year:**

- 10 1. **\$5,474,633 for FY 2022;**
- 11 2. **\$4,723,422 for FY 2023;**
- 12 3. **\$4,849,885 for FY 2024;**
- 13 4. **\$4,979,962 for FY 2025; and**
- 14 5. **\$5,113,772 for FY 2026, for a combined total of \$25,141,674 from gaming**  
15 **savings to support its operations.**

16 **BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that:**

- 17 1. **Payment of \$5,474,633 will be transferred from the Nation to TONCA on**  
18 **October 1, 2021;**
- 19 2. **Payment of \$4,723,422 will be transferred from the Nation to TONCA on**  
20 **October 1, 2022;**
- 21 3. **Payment of \$4,849,885 will be transferred from the Nation to TONCA on**  
22 **October 1, 2023;**
- 23 4. **Payment of \$4,979,962 will be transferred from the Nation to TONCA on**  
24 **October 1, 2024; and**
- 25 5. **Payment of \$5,113,772 will be transferred from the Nation to TONCA on**  
26 **October 1, 2025.**

27 **BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that funds will be wired**  
28 **to TONCA's account on the date set forth above without further Tohono**  
29 **O'odham Legislative Council action, provided that all funds shall remain**  
30 **assets of the Nation until transferred to TONCA.**

31 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that the TONCA Board**  
32 **shall provide to the Health and Human Services and Budget and Finance**  
33 **Committees upon request any Authority records or reports for which**  
34 **disclosure is not prohibited by law, and shall make a financial and**

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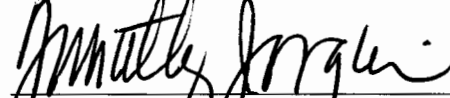
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operational report, including a detailed expenditure report, to the Legislative Council within 120 days after the close of the TONCA's fiscal year in accordance with Article IV, 4.5.21. of 17 Tohono O'odham Code Chapter 2.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 10<sup>TH</sup> day of AUGUST, 2021 at a meeting at which a quorum was present with a vote of 2,947.3 FOR; -0- AGAINST; 270.7[03] NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(d)(2) and 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

12 day of August, 2021

ATTEST:



Evonne Wilson, Legislative Secretary

11 day of August, 2021

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 12 day of August, 2021 at 4:49 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

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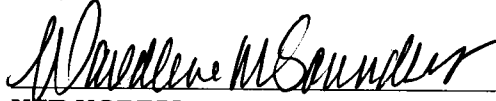
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**APPROVED**

on the 13 day of August, 2021

**DISAPPROVED**

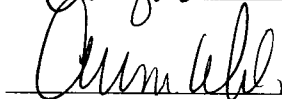
at 8:50 o'clock, a.m.



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

**Returned to the Legislative Secretary on the 13 day of**

August, 2021, at 2:50 o'clock, p.m.



**Evonne Wilson, Legislative Secretary**

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## ACTION: APPROPRIATING GAMING SAVINGS FOR TOHONO O'ODHAM NURSING CARE AUTHORITY OPERATIONS IN FISCAL YEARS 2022-2026

MOVED: COUNCILWOMAN JANICE FELIX

SECOND: COUNCILWOMAN MARLAKAY HENRY

DATE: AUGUST 10, 2021

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 245.6	1. MARY LOPEZ ( <i>Absent</i> ) (Ann M. Garcia) ( <i>Present</i> ) 2. LUCINDA ALLEN (Francis Homewytewa)	122.8 122.8	X X			X
SELLS 556.5	1. ARTHUR WILSON ( ) 2. EVELYN JUAN-MANUEL (Arvada Liston)	278.25 278.25	X X			
SCHUK TOAK 190.5	1. TERESA F. DONAHUE (Alberta Espinoza) 2. DELISA M. RAMON (Sharon A. Francisco)	95.25 95.25	X X			
SAN XAVIER 242.6	1. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner) 2. JANICE FELIX (Adam P. Andrews)	121.3 121.3	X X			
SAN LUCY 243.8	1. JANA MONTANA (Lorraine M. Eller) 2. ROGER MANUEL (Christina Andrews)	121.9 121.9	X X		X	
PISINEMO 232.7	1. MARIETTA MARTIN ( ) 2. EDWARD D. MANUAL (Monica Morgan)	116.35 116.35	X X			
HICKIWAN 216.6	1. LOUIS R. LOPEZ ( ) 2. SANDRA D. ORTEGA (Delma M. Garcia)	108.3 108.3	X X			X
GU VO 270.7	1. GRACE MANUEL ( ) 2. CYNTHIA SAAVEDRA (Dallas Lewis)	135.35 135.35			X X	
GU ACHI 278.5	1. TIMOTHY L. JOAQUIN ( ) 2. VICTORIA HOBBS (Tonya L. Joaquin)	139.25 139.25	X X			
CHUKUT KUK 351.6	1. MARLAKAY HENRY (Billman Lopez) 2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	175.8 175.8	X X			
BABOQUIVARI 388.9	1. ALBERTA J. RAY (Frances G. Antone) 2. LEANDER MASE (Francine Schooling)	194.45 194.45	X X			
	TOTAL	3,218.0	2,947.3	-0-	270.7 [03]	[02]