

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving an Intergovernmental Agreement between Arizona Health Care
Cost Containment System and Tohono O'odham Nation for Arizona Long
Term Care System Case Management Services)

RESOLUTION NO. 22-020

- 1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council with**
2 **the authority "to consult, negotiate and conclude agreements and contracts on**
3 **behalf of the Tohono O'odham Nation with Federal, State and local governments**
4 **and other Indian tribes or their departments, agencies, or political subdivisions,**
5 **or with private persons or organizations on all matters within the authority of the**
6 **Tohono O'odham Council" (Constitution, Article VI, Section 1(f)); and**
- 7 **WHEREAS, the Tohono O'odham Nation ("Nation") has provided Arizona Long Term Care**
8 **System ("ALTCS") case management services since June 1996 and is compensated**
9 **from the State of Arizona for the services; and**
- 10 **WHEREAS, Arizona Health Care Cost Containment System ("AHCCCS") has authority to**
11 **contract for services specified in accordance A.R.S. Title 36, Chapters 29 and 34,**
12 **and A.R.S. 11-951 and 11-952; and**
- 13 **WHEREAS, the Nation and the State of Arizona, through AHCCCS, recognize that it is**
14 **beneficial to acknowledge and understand the history of the Nation, and the**
15 **significance of that history in the healing of Tohono O'odham people through the**
16 **provision of services accessible through ALTCS; and**
- 17 **WHEREAS, the State of Arizona, through AHCCCS, acknowledges the need to form a**
18 **partnership with the Nation to meet the health needs of tribal members eligible**
19 **for ALTCS Case Management Services; and**
- 20 **WHEREAS, the State recognizes the sovereign right of the Nation to determine the**
21 **applicability of and the extent to which its tribal values and belief systems will be**
22 **incorporated into the services it provides to tribal members eligible for ALTCS;**
23 **and**
- 24 **WHEREAS, the Nation desires to enter into an Intergovernmental Agreement ("Agreement")**
25 **with AHCCCS, the agency of the State of Arizona authorized to administer the**
26 **Medicaid and behavioral health systems in the State of Arizona; and**
- 27 **WHEREAS, the purpose of the Agreement is to delegate from AHCCCS to the Nation the**
28 **authority to use the funding provided through the Agreement to administer the**
29 **programs described and provide case management services solely for the benefit**
30 **of individuals and families who:**
- 31 **o Are members of a federally-recognized Indian Tribe and/or their**
32 **dependents**

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- o **Reside in or near the Nation**
- o **Have been determined by AHCCCS to be eligible for ALTCS services on a fee-for-service basis; and**

WHEREAS, the Nation agrees to a limited waiver of sovereign immunity only to the extent needed to comply with the following sections of the Agreement: *Section 14.9 Sovereign Immunity and Section 14.10.4.3 Agreement of Disputes and Arbitration*, which require, after attempting to work in good faith toward resolution of a dispute and after attempting to administratively adjudicate a dispute in accordance with Arizona's Administrative Procedures Act, a final enforceable decision be made by the American Arbitration Association using its Commercial Arbitration Rules; and

WHEREAS, the Health and Human Services Committee has reviewed the Intergovernmental Agreement between Arizona Health Care Cost Containment Systems and Tohono O'odham Nation, including the limited waiver of sovereign immunity, and recommends its approval.

NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the Intergovernmental Agreement between Arizona Health Care Cost Containment Systems and the Tohono O'odham Nation and authorizes the Nation's chairperson to execute it in substantially the form attached.

BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council grants a limited waiver of the Nation's sovereign immunity from suit or action in favor of AHCCCS in accordance with Section 14.9 Sovereign Immunity and Section 14.10.4.3 of the Intergovernmental Agreement.

BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that the Tohono O'odham Nation chairperson or any designated official is authorized to administer the Intergovernmental Agreement between Arizona Health Care Cost Containment System and Tohono O'odham Nation, provided that any amendments shall be submitted for prior approval by the Tohono O'odham Legislative Council.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 12TH day of JANUARY, 2022 at a meeting at which a quorum was present with a vote of 3,218.0 FOR; -0- AGAINST; -0- NOT VOTING; and -0- ABSENT, pursuant to the powers vested in the Council by Authority: Article VI, Section 1(f) 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).

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Timothy Joaquin
Timothy Joaquin, Legislative Chairman
18 day of January, 2022

ATTEST:

Evonne Wilson
Evonne Wilson, Legislative Secretary
12 day of January, 2022

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 18 day of January, 2022 at 9:23 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
Timothy Joaquin, Legislative Chairman

APPROVED

on the 18 day of January, 2022

DISAPPROVED

at 5:00 o'clock, P.m.

Ned Norris, Jr.
NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 19 day of

January, 2022, at 8:51 o'clock, A.m.

Evonne Wilson
Evonne Wilson, Legislative Secretary

ACTION: APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM AND TOHONO O'ODHAM NATION FOR ARIZONA LONG TERM CARE SYSTEM CASE MANAGEMENT SERVICES

MOVED: COUNCILMAN LEANDER MASE

SECOND: COUNCILWOMAN JANICE FELIX

DATE: JANUARY 12, 2022

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