

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Authorizing the Settlement of the Tohono O'odham Nation's Fiscal Year 2016 Claim**  
**Against the Indian Health Service (IHS) for Unpaid Contract Support Costs)**

**RESOLUTION NO. 23-338**

1   **WHEREAS,**    the Legislative Council has the authority “to promote, protect and provide for  
2                   public health, peace, morals, education and general welfare of the Tohono  
3                   O’odham Nation and its members” and to “consult, negotiate and conclude  
4                   agreements and contracts on behalf of the Tohono O’odham Nation with Federal,  
5                   State and local governments” (Constitution, Article VI, Section 1(c)(2) and Section  
6                   1(f)); and

7   **WHEREAS,**    the Tohono O’odham Nation has historically contracted for certain federal  
8                   programs, functions, services or activities (“PFSAs”) of the IHS pursuant to the  
9                   authority conferred on the Nation by the Indian Self-Determination and  
10                  Education Assistance Act of 1975 (P.L. 93-638; 25 U.S.C. §§ 5301-5423); and

11   **WHEREAS,**   the Nation entered into Contract No. HHS1249200400001C, dated October 1, 2003,  
12                  with the Secretary of the U.S. Department of Health and Human Services for the  
13                  management of certain health services; and

14   **WHEREAS,**   the Nation entered into self-governance Compact No. 61G160115, dated July 1,  
15                  2016, with the Secretary of the U.S. Department of Health and Human Services for  
16                  operation of the Sells hospital and three IHS clinics on the Tohono O’odham  
17                  Nation reservation; and

18   **WHEREAS,**   the Tohono O’odham Nation has asserted certain claims arising out of IHS’s  
19                  failure to reimburse the Nation’s full contract support costs incurred in fiscal  
20                  year 2016 as required by the above-referenced contracts; and

21   **WHEREAS,**   the Nation and IHS have negotiated a compromise resolution of these claims  
22                  under which litigation will be terminated in return for a compromise payment by  
23                  the federal government to the Nation of \$184,126.00, plus interest to run from  
24                  September 30, 2022 to the date of payment, with the payment to come from the  
25                  U.S. Treasury and not from IHS, and with such funds to be paid to the Nation  
26                  through the trust account maintained for such purposes by the Sonosky  
27                  Chambers Law Firm; and

28   **WHEREAS,**   the Health and Human Services Committee recommends that the Nation accept  
29                  the compromise resolution of these claims under which litigation will be  
30                  terminated in return for a compromise payment by the federal government to the  
31                  Nation of \$184,126.00, plus interest to run from September 30, 2022 to the date of  
32                  payment, with the payment to come from the U.S. Treasury and not from IHS, and

**RESOLUTION NO. 23-338**

**(Authorizing the Settlement of the Tohono O'odham Nation's Fiscal Year 2016 Claim Against the Indian Health Service (IHS) for Unpaid Contract Support Costs)**

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with such funds to be paid to the Nation through the trust account maintained for such purposes by the Sonosky Chambers Law Firm.

NOW, THEREFORE, BE IT RESOLVED the Tohono O'odham Legislative Council authorizes the Nation's attorney Rebecca Patterson from the Sonosky Chambers Law Firm to take all actions necessary to conclude and implement the settlement and carry out this Resolution, including execution of a Settlement Agreement reflecting these terms.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 11<sup>TH</sup> day of SEPTEMBER 2023 at a meeting at which a quorum was present with a vote of 3,005,7 FOR; -0- AGAINST; [01] NOT VOTING; and 257.6 [04] ABSENT, pursuant to the powers vested in the Council by, Article VI, Sections 1(c)(2) and 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).

**TOHONO O'ODHAM LEGISLATIVE COUNCIL**



**Wavalene M. Saunders, Legislative Chairwoman**

13 day of September, 2023

**ATTEST:**

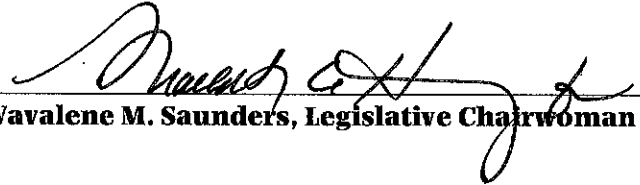


**Evonne Wilson, Legislative Secretary**

13 day of September, 2023

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 15TH day of September, 2023 at 9:47 o'clock, A .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**



**Wavalene M. Saunders, Legislative Chairwoman**

**RESOLUTION NO. 23-338**

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**APPROVED**

on the 15<sup>th</sup> day of September, 2023

**DISAPPROVED**

at 11:43 o'clock, a.m.



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**VERLON M. JOSE, CHAIRMAN  
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 15 day of

September, 2023, at 12:10 o'clock, p.m.



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**Evonne Wilson, Legislative Secretary**

**ACTION: AUTHORIZING THE SETTLEMENT OF THE TOHONO O'ODHAM NATION'S FISCAL YEAR 2016 CLAIM AGAINST THE INDIAN HEALTH SERVICE (IHS) FOR UNPAID CONTRACT SUPPORT COSTS**

**MOVED: COUNCILWOMAN EVELY JUAN MANUEL**

**SECOND: COUNCILWOMAN THEORIA CAMPILLO**

**DATE: SEPTEMBER 11, 2023**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 394.2	1. LEANDER MASE ( <i>Absent</i> ) (Francine Schooling) ( <i>Present</i> )	197.1	X			X
	2. JESSE NAVARRO (Alberta J. Ray)	197.1	X			
CHUKUT KUK 354.7	1. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	177.35	X			
	2. MARLAKAY HENRY ( )	177.35	X			
GU ACHI 282.7	1. VICTORIA HOBBS (Tonya L. Joaquin)	141.35	X			
	2. TIMOTHY L. JOAQUIN (Jerome L. Joaquin)	141.35	X			
GU VO 276.0	1. DALLAS LEWIS ( )	138.0	X			
	2. LESLIE LUNA (Grace Manuel)	138.0	X			
HICKIWAN 220.5	1. DELMA M. GARCIA ( )	110.25	X			
	2. LOUIS R. LOPEZ (Loretta A. Ortega)	110.25	X		X	
PISINEMO 236.2	1. EDWARD D. MANUAL (Monica Morgan)	118.1	X			
	2. PAMELA J. BENAVIDEZ (Nora J. Ruelas)	118.1	X			
SAN LUCY 257.6	1. ROGER MANUEL ( <i>Absent</i> ) (Christina Andrews) ( <i>Present</i> )	128.8				X
	2. GLORIA M. RAMIREZ ( <i>Absent</i> ) (Lorraine M. Eiler) ( <i>Present</i> )	128.8				X
SAN XAVIER 244.5	1. JANICE FELIX ( )	122.25	X			
	2. DANIEL L.A. PRESTON III ( )	122.25	X			X
SCHUK TOAK 191.8	1. DELISA M. RAMON (Sharon A. Francisco)	95.9	X			
	2. THEORIA CAMPILLO (Rebecca Ann Valentine)	95.9	X			
SELLS 558.0	1. EVELYN JUAN-MANUEL (Arvada Liston)	279.0	X			
	2. JANET B. ELEANDO ( )	279.0	X			
SIF OIDAK 247.1	1. LUCINDA ALLEN (Francis Homewytewa)	123.55	X			
	2. WAVALENE M. SAUNDERS (Mary Lopez)	123.55	X			
<b>TOTAL</b>		<b>3,263.30</b>	<b>3,005.7</b>	<b>-0-</b>	<b>[01]</b>	<b>257.6 [04]</b>