

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing the Tohono O'odham Nursing Care Authority to Enter into 105(l)
Lease Agreements with Indian Health Service)

RESOLUTION NO. 26-011

1 **WHEREAS,** the Tohono O'odham Legislative Council is vested with the authority "to promote,
2 protect, and provide for public health, peace, morals, education and general
3 welfare of the Tohono O'odham Nation and its members" and to "consult,
4 negotiate and conclude agreements and contracts on behalf of the Tohono
5 O'odham Nation with Federal, State and local governments and other Indian
6 tribes or their departments, agencies, or political subdivisions. . ." (Constitution
7 of the Tohono O'odham Nation, Article VI, Section 1(c)(2) and 1(f)); and

8 **WHEREAS,** by Resolution No. 98-512, the Tohono O'odham Legislative Council adopted the
9 Charter of the Tohono O'odham Nursing Care Authority ("TONCA") establishing it
10 as the entity of the Tohono O'odham Nation (the "Nation") charged with operating
11 and maintaining the Nation's skilled nursing care facility and other ancillary
12 facilities; and

13 **WHEREAS,** the Charter in its current form was approved by Tohono O'odham Legislative
14 Council Resolution No. 16-391 and the Charter is codified at Title 17 Tohono
15 O'odham Code Chapter 2; and

16 **WHEREAS,** TONCA operates the skilled nursing facility known as the Archie Hendricks Sr.
17 Skilled Nursing Facility ("AHSSNF"), the Tohono O'odham Elder Assisted Living
18 Residence ("TOEALR"), and other ancillary buildings such as the Transportation
19 Building, the Club House, and Employee Housing (32 units); and

20 **WHEREAS,** TONCA is authorized to "acquire, hold, own, manage, operate, exchange, deal in
21 and dispose of all Authority personal property in the ordinary course of business"
22 and to "enter into, make, perform and carry out or cancel and rescind contracts
23 for any lawful purpose pertaining to the Authority's business" and "without
24 previous authorization or subsequent approval" (See Charter at §§4.5.10, 4.5.13,
25 & 4.5.2); and

26 **WHEREAS,** TONCA desires to enter into 105(l) lease agreements with the Indian Health
27 Service ("IHS") pursuant to the Indian Self-Determination and Education
28 Assistance Act ("ISDEAA"), 25 U.S.C. § 5324(l) (previously 25 U.S.C. § 450j(l)) and
29 implementing regulations at 25 C.F.R. § 900.69-900.74 for FY 26; and

30 **WHEREAS,** the 105(l) lease agreements are contractual agreements between IHS and a tribe
31 or tribal organization to reimburse facility costs and when the facility is used to

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1 **carry out ISDEAA approved programs, functions, services, or activities ("PFSAs");**
2 **and**

3 **WHEREAS, TONCA is a tribal organization eligible to enter into 105(l) lease agreements as (1)**
4 **TONCA is included in the Tohono O'odham Nation's Title V Indian Self-**
5 **Determination and Education Assistance Act Compact in which "Home and Other**
6 **Community-Based Services" is identified at § 3.1.4.3, as a program, function,**
7 **service, and activity (PFSAs) to be performed by TONCA at AHSSNF and TOEALR and**
8 **(2) TONCA has a leasehold interest in the acreage on which its five TONCA facilities**
9 **are located and all TONCA buildings are personal property owned by TONCA that**
10 **have been built, repaired, remodeled, and maintained by TONCA from 2003 to**
11 **present; and**

12 **WHEREAS, the TONCA Board of Directors has approved the submission of 105(l) lease**
13 **proposals to IHS for FY 2025 and for FY 2026 the Executive Leadership team to**
14 **submit and negotiate the lease agreements for five (5) facilities: Archie Hendricks**
15 **Sr. Skilled Nursing Facility, Tohono O'odham Elder Assisted Living Residence,**
16 **Transportation Building, Employee Housing (32 units), and TONCA Clubhouse**
17 **with such lease compensation as calculated in accordance with 25 C.F.R. Part 900**
18 **Subpart H (beginning at 25 C.F.R. § 900.69); and**

19 **WHEREAS, the TONCA Board of Directors has authorized the TONCA Board chairperson to**
20 **execute 105(l) lease agreements with Indian Health Service; and**

21 **WHEREAS, the federal government requires tribal organizations to certify that all**
22 **information provided by the tribal organization for purposes of calculating lease**
23 **compensation under Section 105(l) lease compensation is true and correct; and**

24 **WHEREAS, IHS is now requesting that TONCA provide a Legislative Council resolution**
25 **specifically authorizing TONCA (1) to request and negotiate, and sign 105(l) leases,**
26 **(2) to identify representatives of TONCA to negotiate and sign the 105(l) lease**
27 **agreements, and (3) to identify the representative of TONCA to attest to the truth**
28 **and accuracy of the information provided; and**

29 **WHEREAS, these agreements could result in significant funding to support TONCA's skilled**
30 **nursing and assisted living facilities; and**

31 **WHEREAS, it is in the best interest of the Nation for TONCA to enter into 105(l) lease**
32 **agreements with IHS; and**

33 **WHEREAS, the Health and Human Services and Budget and Finance Committees have**
34 **reviewed the 105(l) Lease Agreements with Indian Health Service and the Health**

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3 **Indian Health Service)**

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1 and Human Services Committee recommends approval and the Budget and
2 Finance Committee did not take a position.

3 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council authorizes
4 TONCA to request, negotiate and sign 105(l) lease agreements on behalf of TONCA
5 and the Nation for the following facilities all located within the tribal trust
6 property, Gu Achi District under a 25-year lease with TONCA: the (1) Archie
7 Hendricks Sr. Skilled Nursing Facility, (2) Tohono O'odham Elder Assisted Living
8 Residence, (3) Transportation Building, (4) Employee Housing (32 units), and (5)
9 TONCA Clubhouse.

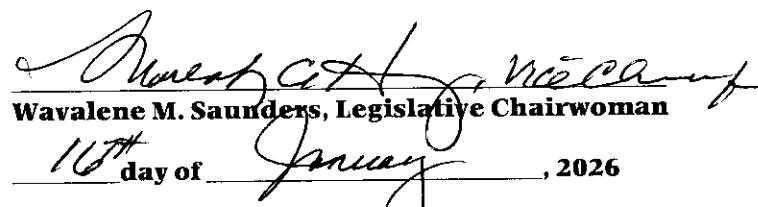
10 **BE IT FURTHER RESOLVED** by the Tohono O'odham Legislative Council that TONCA is authorized
11 to negotiate said lease agreements and to take all measures necessary to
12 implement said lease agreements for FY 2025 and FY 2026 and subsequent lease
13 periods for which funds are available.

14 **BE IT FURTHER RESOLVED** by the Tohono O'odham Legislative Council that the TONCA Board
15 chairperson is authorized to execute said lease agreements for FY 2025 and FY
16 2026 and all subsequent lease periods for which funds are available.

17 **BE IT FINALLY RESOLVED** by the Tohono O'odham Legislative Council that TONCA's
18 Administrator is designated as the appropriate official to verify the information
19 provided by the tribal organization for purposes of calculating lease
20 compensation under Section 105(l) of Public Law 93-638, and is authorized to
21 attest as to the accuracy of such information.

22 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 13TH
23 day of JANUARY 2026 at a meeting at which a quorum was present with a vote of 2,560.1 FOR; -0-
24 AGAINST; 761.0 [04] NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council
25 by Article VI, Section 1(e), Section 1(i)(2), and Sections 2(b) and (d) of the Constitution of the
26 Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and
27 approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6,
28 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).

29
30 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

31 
32 Wavalene M. Saunders, Legislative Chairwoman

33 16th day of January, 2026

1
2 **RESOLUTION NO. 26-011**
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6 **ATTEST:**

7 
8 **Evonne Wilson, Legislative Secretary**

9 16 day of January, 2026

10 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
11 O'odham Nation on the 16th day of January, 2026 at 1:33 o'clock, PM,
12 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
13 effective upon his approval or upon his failure to either approve or disapprove it within 48
14 hours of submittal.

15 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

16 
17 **Wavalene M. Saunders, Legislative Chairwoman**

18 APPROVED

19 on the 20 day of January, 2026
20 at 9:35 o'clock, AM.
21

22 DISAPPROVED

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VERLON M. JOSE, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 20th day of

January, 2026, at 10:10 o'clock, AM.

Reassigned for:
Evonne Wilson, Legislative Secretary

ACTION: AUTHORIZING THE TOHONO O'ODHAM NURSING CARE AUTHORITY TO ENTER INTO 105(L) LEASE AGREEMENTS WITH INDIAN HEALTH SERVICE

MOVED: COUNCILMAN DANIEL L.A. PRESTON III

SECOND: COUNCILMAN LUCIUS LOPEZ

DATE: JANUARY 13, 2026

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 251.2	1. WAVALENE M. SAUNDERS (<i>Absent</i>) (Mary Lopez) (<i>Present</i>) 2. FRANCIS HOMEWYTEWA ()	125.6 125.6	X X			X
SELLS 565.7	1. JANET B. ELEANDO () 2. EVELYN JUAN MANUEL (Juan Buendia)	282.85 282.85			X X	
SCHUK TOAK 195.3	1. THEORIA CAMPILLO (Rebecca Ann Valentine) 2. DELISA M. RAMON (Quintin C. Lopez)	97.65 97.65			X X	
SAN XAVIER 249.8	1. DANIEL L.A. PRESTON III () 2. JANICE FELIX ()	124.9 124.9	X X			
SAN LUCY 266.3	1. GLORIA M. RAMIREZ (Lorraine M. Eiler) 2. ROGER MANUEL (Christina Andrews)	133.15 133.15	X X			
PISINEMO 240.3	1. PAMELA J. BENAVIDEZ (Nora J. Ruelas) 2. NAOMI MONTE (Edward D. Manuel)	120.15 120.15	X X			
HICKIWAN 222.9	1. LOUIS R. LOPEZ (Loretta A. Ortega) 2. DELMA M. GARCIA ()	111.45 111.45	X X			
GU VO 279.6	1. LESLIE LUNA () 2. BENNETT CHEWING ()	139.8 139.8	X X			
GU ACHI 289.2	1. JEROME F. JOAQUIN (Gloria Johnson) 2. LUCIUS E. LOPEZ (Victoria A. Hobbs)	144.6 144.6	X X			
CHUKUT KUK 361.9	1. MARLAKAY HENRY () 2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	180.95 180.95	X X			
BABOQUIVARI 398.9	1. JESSE NAVARRO (Alberta J. Ray) 2. NED NORRIS, JR. (Leander Masc)	199.45 199.45	X X			
TOTAL		3,321.1	2,560.1	-0-	761.0 [04]	[01]