

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

RESOLUTION NO. 26-011

(Authorizing the Tohono O'odham Nursing Care Authority to Enter into 105(l) Lease Agreements with Indian Health Service)

Page 2 of 4

1 carry out ISDEAA approved programs, functions, services, or activities ("PFSA");
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 (PFSA) 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

RESOLUTION NO. 26-011

(Authorizing the Tohono O'odham Nursing Care Authority to Enter into 105(l) Lease Agreements with Indian Health Service)

Page 3 of 4

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

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


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

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

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

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 13TH day of JANUARY 2026 at a meeting at which a quorum was present with a vote of 2,560.1 FOR; -0- AGAINST; 761.0 [04] NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(e), Section 1(i)(2), and Sections 2(b) and (d) 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
10th day of January, 2026

RESOLUTION NO. 26-011

(Authorizing the Tohono O'odham Nursing Care Authority to Enter into 105(l) Lease Agreements with Indian Health Service)

Page 4 of 4

ATTEST:

Evonne Wilson
Evonne Wilson, Legislative Secretary

14 day of January, 2026

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 16th day of January, 2026 at 1:33 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

Wavalene M. Saunders
Wavalene M. Saunders, Legislative Chairwoman

☒ APPROVED

☐ DISAPPROVED

on the 20 day of January, 2026
at 9:35 o'clock, A.m.

Verlon M. Jose
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, A.m.

Evonne Wilson 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]