

RESOLUTION OF THE PAPAGO COUNCIL

RES. NO. 33-76

1 WHEREAS, the Regional Council members of the Pima Association of  
2 Governments (PAG), a non-profit corporation of Arizona Plan-  
3 ning District 2, and of the Southeastern Arizona Governments  
4 Association (SEAGO), a non-profit corporation of Arizona  
5 Planning District 6, acting not as Regional Council members  
6 but in their capacity as representatives of their governing  
7 bodies, did establish a Public Regional Planning Body for  
8 the purpose of creating a Health Systems Agency for Arizona  
9 Health Service Area 2 to be established pursuant to Section  
10 1511 of the National Health Planning and Resources Develop-  
11 ment Act of 1974 (Public Law 93-641) (the Act); and  
12 WHEREAS, said Health Service Area 2 includes not only the area and  
13 governing bodies (represented by the various Regional Coun-  
14 cil members of PAG and SEAGO) in Pima, Cochise, Graham,  
15 Greenlee and Santa Cruz counties but the entire Papago Indian  
16 Reservation, under the exclusive jurisdiction of the Papago  
17 Council, including those portions of the Reservation located  
18 within the geographical boundaries of Maricopa and Pinal  
19 Counties; and  
20 WHEREAS, the Regional Council members of PAG and SEAGO, acting in  
21 their capacity as representatives of their governing bodies  
22 and for the proposed Public Regional Planning Body did make  
23 application to the Department of Health, Education and Wel-  
24 fare (HEW) for designation as the Health Systems Agency for  
25 Arizona Health Service Area 2; and  
26 WHEREAS, HEW did by letter dated May 19, 1976, conditionally desig-  
27 nate the Health Systems Agency for Arizona Health Service  
28 Area 2, upon condition, however, that it obtain the partici-  
29 pation of the Papago Tribe; and  
30 WHEREAS, the Papago Council has taken and continues in the position  
31 that the Papago Tribe, as a sovereign nation, objects to  
32 the provisions of the Act which require allocation of Federal

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grants, contracts loans or loan guarantees available under the Act through the mechanism of State and local agencies, rather than directly to Indian Tribes; and

WHEREAS, the Papago Council has been advised and assured, through an opinion of The Attorney General dated January 30, 1976, that ". . . Nothing in P.L. 90-2, the Congressional Act which led to the issuance of Executive Order 70-2, indicates an intent of Congress to turn over to the respective states authority to plan for Indian reservations . . .", and that nothing in P.L. 93-641 amounts to a grant by" . . . Congress which would authorize the State of Arizona or its Governor to prescribe which, or that any, HSA district should encompass an Indian reservation . . ."; and

WHEREAS, the Papago Council has been further advised and assured by a letter dated June 4, 1976, from the Regional Health Administrator of HEW that "In fact, in Arizona, Indian Tribes must be participating members of any public HSA in order for that agency to be considered a legal entity to be designated as an HSA", and that the review and approval or disapproval authority, as well as the more limited review and comment authority granted to Health Systems Agencies under the Act" . . . is limited to funds made available for grants, contracts, loans or loan guarantees for the development, expansion, or support of health resources under the Acts . . . [referred to in the Act], and does not therefore include funds made available under 25 U.S.C. 13, which is the authorizing source of funding for the Indian Health Service and the appropriations under which the Indian Health Service makes services and facilities available"; and

WHEREAS, the Regional Planning Council proposes participation by the Papago Tribe in the Health Systems Agency upon a plan and organizational structure which would guarantee to the Tribe

1 membership of a Tribal elected official upon a 13 member  
2 HSA Governing Board; membership of an IHS and Tribal pro-  
3 vider upon a 30 member HSA Governing Body; a sub-area  
4 council with authority to develop its own method of member-  
5 ship selection and usual operating procedures; and suffi-  
6 cient staff and budget to set and carry on meaningful health  
7 planning and resources development upon the Papago Reserva-  
8 tion in accordance with the recommendations and priorities  
9 established by the Papago sub-area council and the provi-  
10 sions of the Act.

11 NOW, THEREFORE, BE IT RESOLVED by the Papago Council that it will  
12 continue in its effort to seek Federal remedial legislation  
13 which will provide for direct grants, contracts, loans or  
14 loan guarantees to Indian Tribes which are available under  
15 the Act for the development, expansion or support of health  
16 resources, and anticipates promised support of this effort  
17 from the respective governing bodies cooperating in the  
18 establishment of the Health Systems Agency,

19 BE IT FURTHER RESOLVED by the Papago Council that, upon the afore-  
20 mentioned conditions, assurances, plan and guarantees, the  
21 Papago Tribe agrees to the establishment of the Health Sys-  
22 tems Agency for Arizona Health Service Area 2, provided such  
23 Agency at all times recognizes and accepts the sovereign and  
24 exclusive authority of Papago Tribe and Council over all of  
25 the lands, people and transactions within the exterior  
26 boundaries of the Papago Reservation, and authorizes CECIL  
27 WILLIAMS, Chairman of the Papago Tribe, and ROSEMARY LOPEZ,  
28 a Representative on the Papago Council, or any named alter-  
29 nate, substitute, or successor, to participate in the estab-  
30 lishment of such Agency.

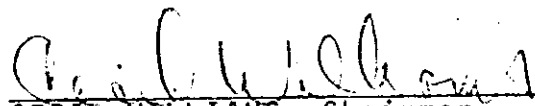
31 BE IT FURTHER RESOLVED by the Papago Council that the various Tribal  
32 officers and employees be, and they hereby are, authorized

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and directed to perform all acts necessary or desirable to give effect to this Resolution.

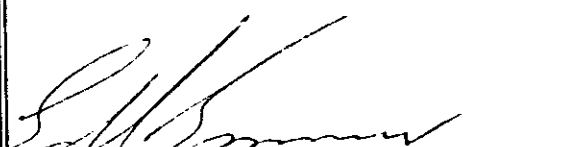
The foregoing Resolution was duly enacted by the Papago Council on the 11th day of June, 1976, at a meeting at which a quorum was present with a vote of 834.0 for; 0 against; 0 not voting; and 2 absent; pursuant to authority vested in the Papago Council by Section 2 (a) of Article V of the Constitution and By-laws of the Papago Tribe of Arizona ratified by the Tribe on December 12, 1936, and approved by the Secretary of the Interior on January 6, 1937, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984). Said Resolution is effective as of the date of its approval by the Superintendent of the Papago Agency, and is not subject to review by the Secretary of the Interior.

THE PAPAGO COUNCIL

  
CECIL WILLIAMS, Chairman

ATTEST:

  
MARY JANE JONES, Secretary

  
Superintendent, Papago Agency

APPROVED: 6-25-76

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 127	1. Edward Kisto (Joann Garcia) 2. Louis Harvey (Harvin Garcia)	63.5 63.5	127.0			
CHUKUT KUK 64	1. Rosemary Lopez (Nellie Martin) 2. Harriet Toro (Archie Hendricks)	32.0 32.0	64.0			
GU ACHI 81	1. Joseph/Ramboh/ (Stephen Listo) ALT. 2. Juan P. Lopez (Nolea J. Ramon)	40.5 40.5	81.0			
GU VO 49	1. Cross Antone (Edward J. Lopez) 2. William Lewis, Sr. (Frances Cachora)	24.5 24.5	49.0			1
HICKIWAN 81	1. Henry A. Ramon (James Angea) 2. Archie Pilone (Emillio Francisco)	40.5 40.5	81.0			
PISINIMO 52	1. Lamando Francisco (Andrew Lorentine) 2. Alice Juan (Herman Lopez)	26.0 26.0	52.0			
SAN LUCY 32	1. Max Jose (Jeannie Morris) 2. <del>Albe/Sahn</del> (Ricardo M. Baptisto) ALT.	16.0 16.0	32.0			
SAN XAVIER 66	1. Tony Felix (Rosemary D. Secundino) 2. Carmelita Mattias (Laura J. Smith)	33.0 33.0	66.0			
SCHUK TOAK 46	1. Joe Enriquez (Joann Francisco) 2. Ramon Campillo, Jr. (Felix Juan)	23.0 23.0	46.0			
SELLS 147	1. Mollie Garcia (Jacob Lewis) 2. Larry Garcia (Tony Lopez)	73.5 73.5	147.0			
SIF ODAK 89	1. Edward Juan (Vincent Manuel) 2. Melissa Morris (Fernando Jose)	44.5 44.5	89.0			1
TOTALS		631.0	631.0			2