

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Regarding the Procedure for Selecting an IHS Tucson Area Director)**

RESOLUTION NO. 97-240

WHEREAS, the IHS' re-organization resulted in the creation of the Tucson Area Office; and

WHEREAS, the position of the Director, for the newly created Tucson Area Office is vacant; and

WHEREAS, the Indian Health Service has created a position description for and is in the process of advertising for the position of Tucson Area Director; and

WHEREAS, the Indian Health Service routinely involves Area Tribes in the selection process of Area directors; and

WHEREAS, the United States Congress, in its wisdom, established P.L. 93-638, the Indian Self Determination and Education Act (as amended); and

WHEREAS, P.L. 93-638, as amended, establishes, among other things, the concept of Tribal Shares of the Indian Health Service, at all levels, including Headquarters and Area levels; and

WHEREAS, Tribal Shares are predicated on User Population data; and

WHEREAS, there are two Tribes, the Tohono O'odham Nation and the Pascua Yaqui Tribe and one Urban Program, the Inter Tribal Health Care Center, in the Tucson Area; and

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3 **WHEREAS, the Urban Program is a “pass through” program and does**
4 **not derive “direct service” from the IHS Areas, nor are**
5 **Urban Programs Tribes; and**

6 **WHEREAS, IHS’ User Population data for FY-1996 for the Tucson Area**
7 **are 18,689 for the Tohono O’odham Nation and 4,069 for the**
8 **Pascua Yaqui Tribe; and**

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10 **WHEREAS, the resultant Tribal Shares of the Tucson Area compute to**
11 **82.12% for the Tohono O’odham Nation and 17.88% for the**
12 **Pascua Yaqui Tribe; and**

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14 **WHEREAS, IHS’ mid-FY-year 1996 data indicates that the User**
15 **Population for Tohono O’odham Nation is 18,622 and 3,769**
16 **for the Pascua Yaqui Tribe; and**

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18 **WHEREAS, based upon mid-year data, the Tribal Shares for the Tucson**
19 **Area are moving towards 83.17% for the Tohono O’odham**
20 **Nation and 16.83% for the Pascua Yaqui Tribe; and**

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22 **WHEREAS, the IHS’ User Population number utilized for the Pascua**
23 **Yaqui Tribe for FY-1996 is not an accurate data count, but an**
24 **“adjusted” number that utilizes projections of anticipated**
25 **enrollment in the Pascua Yaqui HMO; and**

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27 **WHEREAS, the resultant percentage of Tribal shares for the Tucson Area**
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is 83.22% for the Tohono O’odham Nation and 16.78% for the Pascua Yaqui Tribe.

NOW, THEREFORE, BE IT RESOLVED THAT, The Tohono O’odham Nation requires that the process utilized by the IHS, in the selection of the Tucson Area Director be consistent with the tenets set forth, by the U.S. Congress, in P.L. 93-638, as amended.

BE IT FURTHER RESOLVED THAT the concept of Tribal Shares, as set forth in P.L. 93-638, as amended, establishes individual Tribal “ownership” of the IHS, at all levels, including Headquarters and Area levels.

BE IT FURTHER RESOLVED THAT that concept necessarily must apply to the “voting power” exercised by each of the Tribes in a given Area, in the selection of Area Director.

BE IT FURTHER RESOLVED THAT, in accordance with the Tribal Shares of IHS Areas and headquarters. That voting power should be distributed, in the Tucson Area, with four and one-half(4.5) votes accorded to the Tohono O’odham Nation, one(1) vote to the Pascua Yaqui Tribe and one (1) vote to the Urban Program.

BE IT FINALLY RESOLVED, failure of the IHS to proportionately

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distribute votes, as prescribed above, in the Tucson Area, is a direct violation of federal statute, as set forth by the U.S. Congress, in P.L. 93-638, as amended and further, is a direct violation of the sovereign rights of the Tohono O'odham Nation.

The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 19TH. day of JUNE, 1997 at a meeting at which a quorum was present with a vote of 1,445.0 FOR; -0- AGAINST; -146.0- NOT VOTING; and 336.0 [10] ABSENT, pursuant to the powers vested in the Council by Section 1(c)(2) of Article VI 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



Dennis Ramon, Legislative Chairman

23rd day of June, 19 97

ATTEST:



Julianna Saraficio, Acting Legislative Secretary

23rd day of June, 19 97.

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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 23rd day of June, 19 97 at 5:34 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


Dennis Ramon, Legislative Chairman

APPROVED on the 25th day of June, 19 97
 DISAPPROVED at 4:16 o'clock, P.M.


EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 25th day of June, 19 97, at 5:17 o'clock, P.M.


Julianna Saraficio, Acting Legislative Secretary

ACTION: REGARDING THE PROCEDURE FOR SELECTING AN IHS TUCSON AREA DIRECTOR

MOVED: COUNCILWOMAN FRANCES MIGUEL

SECOND: COUNCILWOMAN RITA MARTINEZ

DATE: JUNE 19, 1997

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 189.0	1. DAVID GARCIA (Marvin Thomas)	94.5	X			
	2. KENNETH WILLIAMS (Arnold F. Smith Sr.)	94.5	X			
HICKIWAN 146.0	1. ALEX JOSE ()	73.0			X	X
	2. LLOYD FRANCISCO (Susan Sam)	73.0			X	
GU VO 142.0	1. FERN SALCIDO (Larry Montana)	71.0	X			X
	2. GLORIA MONTANA (Phillip Antone)	71.0	X			
SAN LUCY 114.0	1. JOHN RENO (Mary Hoffman)	57.0	X			X
	2. ALBERT MANUEL, JR. (Jana Montana)	57.0	X			
PISINEMO 139.0	1. BARBARA SALVICIO ()	69.5	X			
	2. JOHNSON JOSE ()	69.5	X			
GU ACHI 190.0	1. LOUIS L. JOHNSON ()	95.0				X
	2. ALEX J. RAMON ()	95.0				X
BABOQUIVARI 258.0	1. FRANCES MIGUEL ()	129.0	X			
	2. FRANCES G. ANTONE (Edward N. Kisto)	129.0	X			
SAN XAVIER 146.0	1. TONY BURRELL ()	73.0				X
	2. DENNIS RAMON ()	73.0				X
SCHUK TOAK 120.0	1. JOSEPH JUAN ()	60.0	X			X
	2. AMBROSE ENCINAS ()	60.0	X			
SELLS 322.0	1. LUCILLE ENCINAS (Cynthia Chico)	161.0	X			X
	2. EVELYN JUAN (Dennis Jose)	161.0	X			
SIF OIDAK 161.0	1. RITA MARTINEZ (Maxine Norris)	80.5	X			
	2. MARY ANN ANTONE (Darlene Andrew)	80.5	X			X
TOTAL		1,927.0	1,445.0	-0-	-146.0-	336.0 (10)

**PASSED VOTES