

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Setting Aside \$2,532,002 for Construction of a Dialysis Center and Authorizing  
the Chairman of the Nation to Contract for Such Services)**

**RESOLUTION NO. 99-443**

1 **WHEREAS, out of all the causes of death, Diabetes Mellitus is 68.1 per 100,000 O'odham,**  
2 **as compared to only 10.1 for the United States, and 29.1 for all IHS areas, thus**  
3 **making the incidence of Diabetes Mellitus for Tohono O'odham 680% higher**  
4 **than the overall averages for the United States; and**

5 **WHEREAS, diabetes increasingly results in end stage renal disease which requires**  
6 **dialysis treatment; and**

7 **WHEREAS, Resolution 98-273, "Permitting GAMBRO Healthcare to Provide End-State**  
8 **Renal Disease Dialysis Services on the Tohono O'odham Nation", authorizes**  
9 **the Chairman of the Nation or his representative to "explore long-term**  
10 **solutions to provide future ESRD Dialysis services within the Nation and to**  
11 **enter into contracts with GAMBRO for ESRD dialysis services"; and**

12 **WHEREAS, GAMBRO has submitted to the Chairman of the Nation a proposal for**  
13 **development and construction of a dialysis facility, attached hereto and**  
14 **incorporated by this reference, which projects a cost of \$1,417,000; and**

15 **WHEREAS, the Department of Human Services has submitted a proposal for funding**  
16 **coordination and operation of an ESRD dialysis services project at a cost of**  
17 **\$1,115,002., including cost for: non-Dialysis space, infrastructure, parking and**  
18 **lighting, attached hereto and incorporated by this reference; and**

19 **WHEREAS, current Indian Health Service facility-providing ESRD is operating at full**  
20 **capacity and has had to refer patients to facilities in Tucson; and**

21 **WHEREAS, the District Chairmen and Districts were provided a status report which**  
22 **included cost estimate for the construction of the Interim Dialysis facility.**  
23 **Attached are copies of District resolutions supporting the use of Gaming**  
24 **savings or other appropriate method of funding the construction of the**  
25 **Interim Dialysis Facility; and**

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1 **WHEREAS, the Nation intends to expend funds prior to the issuance of a proposed Bond**  
2 **obligation to acquire and install all or a portion of the project and equipment,**  
3 **and expects that such expenditures will be reimbursed with proceeds of the**  
4 **Bond Obligation; and**

5 **WHEREAS, to comply with the provisions of the Internal Revenue Code of 1986, as**  
6 **amended (the "Code"), and the Treasury regulations thereunder, the**  
7 **Underwriter desires that this Resolution constitute its declaration of "official**  
8 **intent" to reimburse such expenditures with proceeds of the Bond Obligation;**  
9 **and**

10 **WHEREAS, Reimbursement of Expenditures. The Underwriter declares its intention and**  
11 **reasonable expectation to use proceeds of the Bond Obligation to reimburse**  
12 **the Tribe for amounts paid for the Project and Equipment prior to issuance**  
13 **of the Bond Obligation. The expenditures to be reimbursed with proceeds of**  
14 **the Bond Obligation shall constitute expenditures that are properly**  
15 **chargeable to the Project and Equipment Purchase; and**

16 **Reimbursement Period. The Bond Obligation shall be issued, and the**  
17 **reimbursement allocation shall be made with respect to each such**  
18 **expenditure, not later than 18 months after the later of (i) the date on which**  
19 **the expenditure is paid, or (ii) the date on which the Project and or Equipment**  
20 **is placed in service, but in no event more than three years after the original**  
21 **expenditure is paid; and**

22 **NOW, THEREFORE, BE IT RESOLVED that:**

- 23 **1. The amount of \$2,532,002.00 is hereby set aside in an income earning**  
24 **account for the purpose of funding coordination, development and**  
25 **construction and operation of an ESRD dialysis facility; and**  
26 **2. The Chairman of the Nation is hereby authorized to negotiate and execute**

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**any and all agreements necessary for the development and construction of such a dialysis facility adjacent to the Health Complex; and**

- 3. The Chairman of the Nation is further authorized to implement an ESRD dialysis project as a project of the Executive Branch funded from the monies set aside by this Resolution.**

**BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council hereby authorize the Nation's Treasurer to transfer from the Gaming Saving Account(s) the sum of \$2,532,002.00 into a new account, which account to earn investment income in accordance with Tohono O'odham Nation investment policies, for the purpose of initiating the design and construction of the Dialysis Facility Project and that the interest accruing to account to retained for the purpose of the Dialysis Facility Project unforeseen costs, it further authorizes the Chairman and the Treasurer to proceed and investigate the placement of the Bond Obligation.**

**The foregoing Resolution was passed by the Tohono O'odham Council on the 04<sup>TH</sup> day of AUGUST 1999 at a meeting at which a quorum was present with a vote of 2,165.5 FOR; -0- AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by Section 1 (d)(2) & (f) 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**

6<sup>th</sup> day of August, 19 99

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**ATTEST:**

  
\_\_\_\_\_  
**Julianna Saraficio, Acting Legislative Secretary**

4<sup>th</sup> day of August, 19 99.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 6<sup>th</sup> day of August, 19 99 at 4:53 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 9<sup>th</sup> day of August, 19 99

**DISAPPROVED**

at 10:15 o'clock, A.M.

  
\_\_\_\_\_  
**EDWARD D. MANUEL, Chairman**  
**TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 9<sup>th</sup> day of

August, 19 99, at 10:24 o'clock, A.M.

  
\_\_\_\_\_  
**Julianna Saraficio, Acting Legislative Secretary**

**ACTION: SETTING ASIDE \$2,532,002 FOR CONSTRUCTION OF A DIALYSIS CENTER AND AUTHORIZING THE CHAIRMAN OF THE NATION TO CONTRACT FOR SUCH SERVICES**

**Moved: COUNCILMAN KENNETH WILLIAMS**

**SECOND: COUNCILWOMAN GLORIA MONTANA**

**DATE: AUGUST 04, 1999**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>SIF ODAK</b> 171.8	1. MARY ANN ANTONE (Darlene Andrew)	85.9	X			X
	2. RITA MARTINEZ (Nicholas Jose)	85.9	X			
<b>SELLS</b> 372.7	1. DENNIS E. JOSE ( )	186.35	X			
	2. EVELYN JUAN ( )	186.35	X			
<b>SCHUK TOAK</b> 133.4	1. MARY FLORES ( )	66.7	X			
	2. AMBROSE ENCINAS ( )	66.7	X			
<b>SAN XAVIER</b> 165.9	1. TONY BURRELL ( )	82.95	X			
	2. DENNIS RAMON ( )	82.95	X			
<b>BABOQUIVARI</b> 286.5	1. FRANCES MIGUEL ( )	143.25	X			
	2. FRANCES G. ANTONE (Edward N. Kisto)	143.25	X			
<b>GU ACHI</b> 209.6	1. CAMILLUS LOPEZ (Louis Johnson)	104.8	X			
	2. ALEX J. RAMON ( )	104.8	X			X
<b>PISINEMO</b> 156.8	1. BARBARA SALVICIO (Alex Antone)	78.4	X			X
	2. JOHNSON JOSE ( )	78.4	X			
<b>SAN LUCY</b> 128.1	1. ALBERT MANUEL, JR. ( )	64.05	X			
	2. GLORIA RAMIREZ ( )	64.05	X			
<b>GU VO</b> 160.0	1. FERN SALCIDO ( )	80.0	X			X
	2. GLORIA MONTANA (Phillip Antone)	80.0	X			
<b>HICKIWAN</b> 158.1	1. ALEX JOSE (Shirley Santos)	79.05	X			
	2. LLOYD FRANCISCO (Susan Sam)	79.05	X			
<b>CHUKUT KUK</b> 222.6	1. KENNETH WILLIAMS ( )	111.3	X			
	2. DAVID GARCIA (Mary Audrey Juan)	111.3	X			
<b>TOTAL</b>		<b>2,165.5</b>	<b>2,165.5</b>	<b>-0-</b>	<b>-0-</b>	<b>[04]</b>

**\*\*PASSED VOTES**