

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Appropriating Funds For The Design And Construction of The Westside Health Clinic)**

RESOLUTION NO. 99-444

1 **WHEREAS, the Tohono O'odham Legislative Council by Resolution No. 99-082 did accept**
2 **and support the proposed construction of the Westside Health Center through**
3 **the formal submission of Indian Health Services (IHS) Planning Documents**
4 **which were jointly developed by the IHS Tucson Area and the Tohono O'odham**
5 **Health Facilities Planning Task Force; and**

6 **WHEREAS, the Revised final Draft Program Justification Document (PJD) and Programs**
7 **of requirements (POR) for the proposed Westside Health Center was formally**
8 **submitted to the Director, Division of Facilities and Environmental**
9 **Engineering, Indian Health Services on April 20, 1999; and**

10 **WHEREAS, Legislative Council Resolution No. 99-082 did request full consideration of**
11 **these planning documents under the provisions of Section 818 (e)(1) of the**
12 **Indian Health Care Improvement Act, the Federal Joint Venture**
13 **Demonstration Project; and**

14 **WHEREAS, the Federal Joint Venture Demonstration provides for the Nation to Construct**
15 **the Westside Health Center and the Indian Health Services (IHS) to equip, staff**
16 **and maintain the health facility; and**

17 **WHEREAS, the Engineering Services Dallas, DHHS/IHS/OPH/DFEE did provide a cost**
18 **estimate for the Pre-Design, Design and Construction of the Westside Health**
19 **Center prior to final site selection determination; and**

20 **WHEREAS, site selection/evaluation was conducted jointly by the Tohono O'odham**
21 **Nation and Indian Health Service representatives on March 18, 1999, and each**
22 **of the three sites were reviewed; the site within close proximity and west of the**
23 **Tohono O'odham High School on state Highway 86 receiving the highest score**
24 **and is being recommended as the selected site; and**

25 **WHEREAS, the project cost has been revised to reflect the final selected site consideration**

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1 including infrastructure requirements, the revised cost estimate is
2 \$11,233,514.00; and

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

7 **WHEREAS, to comply with the provisions of the Internal Revenue Code of 1986, as**
8 **amended (the "Code"), and the Treasury regulations thereunder, the**
9 **Underwriter desires that this Resolution constitute expenditures that are**
10 **properly chargeable to the Project and Equipment Purchase; and**

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

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

23 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby**
24 **authorize the Nation's Treasurer to transfer from the Gaming Saving**
25 **Account(s) the sum of \$11,233,514.00 into a new account, which account to earn**
26 **investment income in accordance with Tohono O'odham Nation investment**

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policies, for the purpose of initiating the Design and Construction of the Westside Health Clinic and that the interest accruing to account be retained for the purpose of the Westside Health Center unforeseen costs, it further authorizes the Chairman and the Treasurer to proceed and investigate the placement of a Bond Obligation.

BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council through the Appropriation Committee and the Executive Office continue with concerted lobbying effort of appropriate Congressional Committees and Federal Official to effect a Congressional appropriation of \$15,000,000.00 for the Federal Joint Venture Demonstration Program.

The foregoing Resolution was passed by the Tohono O'odham Council on the 04TH 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 [03] 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

6th day of August, 19 99

ATTEST:



Julianna Saraficio, Acting Legislative Secretary

04th day of August, 19 99.

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1 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**
2 **O'Odham Nation on the 6th day of August, 19 99 at 4:54 o'clock,**
3 **P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will**
4 **become effective upon his approval or upon his failure to either approve or disapprove it**
5 **within 48 hours of submittal.**

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7 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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10 **Dennis Ramon, Legislative Chairman**

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15 **APPROVED**

on the 9th day of August, 19 99

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17 **DISAPPROVED**

at 10:20 o'clock, A.M.

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21 **EDWARD D. MANUEL, Chairman**
22 **TOHONO O'ODHAM NATION**

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26 **Returned to the Legislative Secretary on the 9th day of**

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

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31 **Julianna Saraficio, Acting Legislative Secretary**

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ACTION: APPROPRIATING FUNDS FOR THE DESIGN AND CONSTRUCTION OF THE WESTSIDE HEALTH CLINIC

MOVED: COUNCILMAN KENNETH WILLIAMS

SECOND: COUNCILWOMAN FRANCES MIGUEL

DATE: AUGUST 04, 1999

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 171.8	1. MARY ANN ANTONE (Darlene Andrew)	85.9	X			X
	2. RITA MARTINEZ (Nicholas Jose)	85.9	X			
SELLS 372.7	1. DENNIS E. JOSE ()	186.35	X			
	2. EVELYN JUAN ()	186.35	X			
SCHUK TOAK 133.4	1. MARY FLORES ()	66.7	X			
	2. AMBROSE ENCINAS ()	66.7	X			
SAN XAVIER 165.9	1. TONY BURRELL ()	82.95	X			
	2. DENNIS RAMON ()	82.95	X			
BABOQUIVARI 286.5	1. FRANCES MIGUEL ()	143.25	X			
	2. FRANCES G. ANTONE (Edward N. Kisto)	143.25	X			
GU ACHI 209.6	1. CAMILLUS LOPEZ (Louis Johnson)	104.8	X			
	2. ALEX J. RAMON ()	104.8	X			X
PISINEMO 156.8	1. BARBARA SALVICIO (Alex Antone)	78.4	X			X
	2. JOHNSON JOSE ()	78.4	X			
SAN LUCY 128.1	1. ALBERT MANUEL, JR. ()	64.05	X			
	2. GLORIA RAMIREZ ()	64.05	X			
GU VO 160.0	1. FERN SALCIDO ()	80.0	X			
	2. GLORIA MONTANA (Phillip Antone)	80.0	X			
HICKIWAN 158.1	1. ALEX JOSE (Shirley Santos)	79.05	X			
	2. LLOYD FRANCISCO (Susan Sam)	79.05	X			
CHUKUT KUK 222.6	1. KENNETH WILLIAMS ()	111.3	X			
	2. DAVID GARCIA (Mary Audrey Juan)	111.3	X			
TOTAL		2,165.5	2,165.5	-0-	-0-	[03]

**PASSED VOTES