

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing Submission and Negotiation of the Nation's Self-Determination
Contract Proposal for Indian Health Service Tribal Shares)

RESOLUTION NO. 13-326

1 **WHEREAS, the Legislative Council is vested with the authority “to promote, protect and provide**
2 **for public health, peace, morals, education and general welfare of the Tohono**
3 **O’odham Nation and its members. . .” and to “consult, negotiate and conclude**
4 **agreements and contracts on behalf of the Tohono O’odham Nation with Federal, State**
5 **and local governments. . .” (Constitution, Article VI, Section 1(c)(2) and Section 1(f));**
6 **and**

7 **WHEREAS, the Tohono O’odham Nation has historically contracted certain functions from the**
8 **Indian Health Service pursuant to the authority conferred to the Nation by the Indian**
9 **Self-Determination and Education Assistance Act of 1975 (Pub. L. 93-638); and**

10 **WHEREAS, the Nation's Master Contract No. HHS124900400001C, dated October 1, 2003, at Section**
11 **1(a)(2) entitled Purpose, states that the Nation intends to seek transfer of funding for**
12 **certain programs, services, functions and activities, “including all related**
13 **administrative functions” from the Indian Health Service, which wording includes**
14 **tribal shares for all area and headquarters administrative functions for all the**
15 **programs, services, functions and activities included in the contract; and**

16 **WHEREAS, despite this language in the Master Contract, the Indian Health Service has never**
17 **provided funding for the area and headquarters tribal shares, and the Nation has**
18 **never specifically identified an intent to contract for the area and headquarters tribal**
19 **shares associated with current programs, services, functions, and activities; and**

20 **WHEREAS, because the Indian Health Service does not interpret the Master Contract to require**
21 **transfer of funding for area and headquarters tribal shares, the Legislative Health and**
22 **Human Services Committee recommends submitting and negotiating a self-**
23 **determination contract proposal to the Indian Health Service to contract all area and**
24 **headquarters tribal shares associated with current programs, services, functions, and**
25 **activities, based upon a workload analysis methodology; and**

26 **WHEREAS, the Nation plans to submit and negotiate an Annual Funding Agreement for FY 2014**
27 **separately from this contract proposal, and intends to negotiate the contract proposal**
28 **and the Annual Funding Agreement separately so as not to delay consideration of the**
29 **Annual Funding Agreement.**

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1 NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it authorizes
2 the submission and negotiation of the Nation's self-determination contract proposal
3 for Indian Health Service Tribal Shares in substantially the form attached hereto to
4 contract all Indian Health Service area and headquarters tribal shares, using a
5 workload analysis methodology, associated with current programs, services,
6 functions, and activities.

7 BE IT FURTHER RESOLVED that in accordance with Resolution No. 11-588, the Nation strongly
8 requests that the Indian Health Service accept the Nation's contract proposal for
9 Indian Health Service Tribal Shares.

10 BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that the Nation's
11 Chairperson is authorized to submit and negotiate, in coordination with the Health
12 and Human Services Committee, the Nation's self-determination contract proposal
13 for Indian Health Service Tribal Shares to the Indian Health Service Tucson Area
14 Office.

15 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 09TH Day
16 of AUGUST, 2013 at a meeting at which a quorum was present with a vote of 2,946.5 FOR; -0-
17 AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by Article
18 VI, Section 1 (c)(2) and 1(f) of the Constitution of the Tohono O'odham Nation, adopted by the
19 Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant
20 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June
21 18, 1934 (48 Stat. 984).

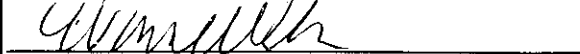
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23 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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25 Timothy Joaquin, Legislative Chairman

26 12 day of August, 2013

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29 ATTEST:

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31 Evonne Wilson, Legislative Secretary

32 12 day of August, 2013.

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1 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham
2 Nation on the 12 day of August, 2013 at 1:36 o'clock, P.M.,
3 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
4 upon his approval or upon his failure to either approve or disapprove it within 48 hours of
5 submittal.

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7 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**


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11 **Timothy Joaquin, Legislative Chairman**

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16 **APPROVED**

on the 12 day of August, 2013

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18 **DISAPPROVED**

at 5:11 o'clock, P.M.

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22 **NED NORRIS, JR., CHAIRMAN**
23 **TOHONO O'ODHAM NATION**

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28 Returned to the Legislative Secretary on the 13 day of

29 August, 2013, at 9:45 o'clock, a.M.

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34 **Evonne Wilson, Legislative Secretary**

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ACTION: AUTHORIZING SUBMISSION AND NEGOTIATION OF THE NATION'S SELF-DETERMINATION CONTRACT PROPOSAL FOR INDIAN HEALTH SERVICE TRIBAL SHARES

MOVED: COUNCILWOMAN SANDRA ORTEGA

SECOND: COUNCILWOMAN LORETTA LEWIS

DATE: AUGUST 09, 2013

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 224.2	1. LUCINDA ALLEN (Nicholas Jose)	112.1	X			
	2. MARY LOPEZ ()	112.1	X			X
SELLS 502.0	1. ARTHUR WILSON (Kimberly Mull)	251.0	X			X
	2. BARBARA HAVIER ()	251.0	X			
SCHUK TOAK 174.2	1. FRANCES B. STEPHENS (Anthony J. Rios)	87.1	X			
	2. QUINTIN C. LOPEZ (John Fendenheim)	87.1	X			
SAN XAVIER 224.2	1. HILARION CAMPUS ()	112.1	X			
	2. ADAM ANDREWS (Rachel Vilson-Stoner)	112.1	X			
SAN LUCY 219.6	1. DIANA MANUEL (Gloria Ramirez)	109.8	X			
	2. JANA MONTANA ()	109.8	X			
PISINEMO 210.6	1. CHESTER ANTONE (Tony Murrietta)	105.3	X			
	2. EDWARD MANUEL, SR. ()	105.3	X			
HICKIWAN 196.9	1. LOUIS R. LOPEZ (Michelle Ortega)	98.45	X			
	2. SANDRA ORTEGA (Manuel Osequeda, Jr.)	98.45	X			
HIA CED 19.6	1. LORRAINE EILER (Jolene Garcia)	9.8	X			
	2. MICHAEL FLORES ()	9.8	X			
GU VO 241.0	1. GRACE MANUEL (Floyd Flores)	120.5	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	120.5	X			X
GU ACHI 257.3	1. TIMOTHY L. JOAQUIN ()	128.65	X			
	2. LORETTA LEWIS (Louis Johnson)	128.65	X			
CHUKUT KUK 319.2	1. ETHEL GARCIA (Marlakay C. Henry)	159.6	X			
	2. BILLMAN LOPEZ ()	159.6	X			
BABOQUIVARI 357.7	1. FRANCES MIGUEL (Roberta Harvey)	178.85	X			
	2. VERNON J. SMITH (Gloria Zazueta)	178.85	X			X
TOTAL		2,946.5	2,946.5	-0-	-0-	-04-