

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Authorizing the Settlement of the Tohono O'odham Nation's Claims Against the**  
**Indian Health Service (IHS) for Unpaid Contract Support Costs)**

RESOLUTION NO. 14-566

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

7 **WHEREAS, the Tohono O'odham Nation has historically contracted for certain federal**  
8 **programs, functions, services or activities ("PFSAs") of the IHS pursuant to the**  
9 **authority conferred on the Nation by the Indian Self-Determination and**  
10 **Education Assistance Act of 1975 (P.L 93-638; 25 U.S.C. § 450 *et seq.*); and**

11 **WHEREAS, the Nation has entered into Contract No. HHS1249200400001C, dated October 1,**  
12 **2003, with the Secretary of the U.S. Department of Health and Human Services**  
13 **for the management of certain health services; and**

14 **WHEREAS, the Tohono O'odham Nation has asserted certain claims arising out of IHS's**  
15 **failure to reimburse the Nation's contract support costs incurred in fiscal years**  
16 **2006 through 2010 as required by the above-referenced contract; and**

17 **WHEREAS, the Nation and IHS have negotiated a compromise resolution of these claims**  
18 **under which litigation will be terminated in return for a compromise payment**  
19 **by the federal government to the Nation of \$530,000, plus interest to run from**  
20 **October 5, 2012 to the date of payment, with the payment to come from the U.S.**  
21 **Treasury and not from IHS, and with such funds to be paid to the Nation through**  
22 **the trust account maintained for such purposes by the Sonosky Chambers Law**  
23 **Firm.**

24 **NOW, THEREFORE, BE IT RESOLVED the Tohono O'odham Legislative Council authorizes the**  
25 **Nation's attorney Lloyd Miller to take all actions necessary to conclude and**  
26 **implement the settlement and carry out this Resolution, including execution of**  
27 **a Settlement Agreement reflecting these terms.**

28 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 22<sup>ND</sup>**  
29 **day of DECEMBER, 2014 at a meeting at which a quorum was present with a vote of 2,946.5 FOR;**  
30 **-0- AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**  
31 **Article VI; Sections 1(c)(2) and 1(f) of the Constitution of the Tohono O'odham Nation, adopted**  
32 **by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy**  
33 **Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the**  
34 **Act of June 18, 1934 (48 Stat.984).**  
35  
36  
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RESOLUTION NO. 14-566

(Authorizing the Settlement of the Tohono O'odham Nation's Claims Against the Indian Health Service (IHS) for Unpaid Contract Support Costs)

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Timothy Joaquin  
Timothy Joaquin, Legislative Chairman  
30 day of December, 2014

ATTEST:

Evonne Wilson  
Evonne Wilson, Legislative Secretary  
24 day of December, 2014

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 30 day of December, 2014 at 3:33 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

Timothy Joaquin  
Timothy Joaquin, Legislative Chairman

APPROVED

DISAPPROVED

on the 30 day of December, 2014  
at 5:06 o'clock, P.m.

Ned Norris, Jr.  
NED NORRIS, JR., CHAIRMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 31 day of  
December, 2014, at 9:05 o'clock, A.m.

Evonne Wilson  
Evonne Wilson, Legislative Secretary

**ACTION:** AUTHORIZING THE SETTLEMENT OF THE TOHONO O'ODHAM NATION'S CLAIMS AGAINST THE INDIAN HEALTH SERVICE (IHS) FOR UNPAID CONTRACT SUPPORT COSTS

**Moved:** COUNCILMAN ARTHUR WILSON

**Second:** COUNCILWOMAN SANDRA ORTEGA

**DATE:** DECEMBER 22, 2014

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			
SELLS 502.0	1. ARTHUR WILSON (Ophelia Patten)	251.0	X			
	2. BARBARA HAVIER (Beverly Rivas)	251.0	X			
SCHUK TOAK 174.2	1. FRANCES B. STEPHENS (Anthony J. Rios)	87.1	X			X
	2. QUINTIN C. LOPEZ (John Fendenheim)	87.1	X			
SAN XAVIER 224.2	1. HILARION CAMPUS (Daniel L.A. Preston, III)	112.1	X			
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	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 ( )	98.45	X			X
	2. SANDRA ORTEGA (Manuel Osequeda, Jr.)	98.45	X			
HIA CED 19.6	1. PATRICK ANDREWS (Janice E. Paul)	9.8	X			
	2. VIRGINIA GARCIA	9.8	X			
GU VO 241.0	1. GRACE MANUEL (Floyd Flores)	120.5	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	120.5	X			
GU ACHI 257.3	1. TIMOTHY L. JOAQUIN ( )	128.65	X			
	2. LORETTA LEWIS (Louis Johnson)	128.65	X			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			
<b>TOTAL</b>		<b>2,946.5</b>	<b>2,946.5</b>	<b>-0-</b>	<b>-0-</b>	<b>[03]</b>