

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Authorizing Action in Preparation for and During the COVID-19 Pandemic**  
**Public Health Emergency)**

**RESOLUTION NO. 20-094**

1 **WHEREAS,** the Legislative Council is vested with the authority to promote, protect, and  
2 provide for the public health, peace, and general welfare of the Tohono O'odham  
3 Nation and its members, and to consult with "Federal, State and local  
4 governments and other Indian tribes or their departments, agencies, or political  
5 subdivisions . . . on all matters within the authority of the Tohono O'odham  
6 Council" (Constitution of the Tohono O'odham Nation, Article VI, Section 1(c)(2)  
7 and (f)); and

8 **WHEREAS,** the Tohono O'odham Legislative Council is authorized "to manage any funds  
9 within the exclusive control of the Tohono O'odham Nation . . . and to appropriate  
10 these funds for the benefit of the nation and its members" provided that "[a]ll  
11 expenditures of these funds shall be pursuant to appropriations or budgets"  
12 authorized by resolution or ordinance (Constitution of the Tohono O'odham  
13 Nation, Article VI, Section 1(d)(2)); and

14 **WHEREAS,** the recent outbreak of the novel coronavirus identified as COVID-19 in the United  
15 States, including the State of Arizona, causes deep concern for the health and  
16 safety of the Tohono O'odham Nation (the "Nation") and its members, and the  
17 preservation of the Nation's culture and economic stability; and

18 **WHEREAS,** the Governor of the State of Arizona declared a Public Health Emergency on  
19 March 11, 2020, in order to release federal resources to prepare, mitigate, and  
20 respond to the needs of tribal and local jurisdictions; and

21 **WHEREAS,** on March 13, 2020, in response to the rapid spread of COVID-19 in the United  
22 States, and confirmed presence in the State of Arizona, the Nation's Chairman  
23 declared a State of Emergency for the Tohono O'odham Nation, and therein  
24 established the Nation's Unified Command in order to coordinate necessary  
25 policies, and direct resources to the Nation in a timely manner; and

26 **WHEREAS,** the Executive Branch has prepared and submitted for review and approval its  
27 FY2020 COVID-19 Outbreak Budget, which is incorporated by this reference, in  
28 the amount of \$3,500,000.00 to be funded from the general fund surplus; and

29 **WHEREAS,** the Health and Human Services and Budget and Finance Committees have  
30 reviewed the FY 2020 COVID-19 Outbreak Budget and recommend its approval;  
31 and

32 **WHEREAS,** the Nation's Chairman and Vice-Chairwoman, in consultation with the Health  
33 and Human Services Committee and Budget and Finance Committee, have  
34 agreed it is essential to empower government officials of the Nation to take the

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1                    **actions recommended by the Centers for Disease Control, Indian Health Service,**  
2                    **Arizona Department of Health Services and the Nation's Department of Health**  
3                    **and Human Services to mitigate the effects of the COVID-19 pandemic.**

4 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council authorizes**  
5                    **the Nation's Chairman or Vice-Chairwoman or their official designee to prepare,**  
6                    **mitigate, prevent, respond, and recover from the COVID-19 pandemic, by taking**  
7                    **one or more of the following actions:**

- 8                    **(1) In consultation with public health officials, issue executive orders to**  
9                    **prevent the spread of COVID-19 that enforce quarantine orders, restrict**  
10                   **the movement of people and property within the Nation, prohibit**  
11                   **meetings, events or gatherings of people in groups within the Nation, that**  
12                   **close public facilities and businesses open to the public and/or require**  
13                   **compliance with public health orders or directives issued by the State of**  
14                   **Arizona or local governments that would not otherwise apply within the**  
15                   **Nation;**
- 16                   **(2) Approve contracts for goods and services required to respond to the**  
17                   **COVID-19 pandemic that exceed \$500,000 but are less than \$1,000,000**  
18                   **without the approval of the Legislative Council that would otherwise be**  
19                   **required by 26 T.O.C. Chapter 1, Section 1402;**
- 20                   **(3) Coordinating the Nation's response to COVID-19 with other governments**  
21                   **and agencies; and**
- 22                   **(4) Seek outside sources for physical and monetary assistance in response**  
23                   **and recovery.**

24 **BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council approves the FY 2020**  
25                   **COVID 19 Outbreak Budget effective March 13, 2020 in amount of \$3,500,000.00,**  
26                   **which shall be funded by the general fund surplus.**

27 **BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that the Tohono**  
28                   **O'odham Nation chairperson or any designated official is authorized to**  
29                   **administer and expend the FY 2020 COVID-19 Outbreak Budget, provided that any**  
30                   **amendments or modifications shall be submitted for prior approval by the**  
31                   **Tohono O'odham Legislative Council.**

32 **BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that intergovernmental**  
33                   **agreements or additional appropriations of funds required to respond to the**  
34                   **COVID-19 pandemic shall be reviewed and approved by the Tohono O'odham**  
35                   **Legislative Council.**

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**BE IT FINALLY RESOLVED that the emergency authorizations provided for in this resolution may be terminated or be modified by subsequent action of the Legislative Council.**

**The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 16<sup>TH</sup> day of MARCH, 2020 at a meeting at which a quorum was present with a vote of 3,175.7 FOR; -0- AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(c)(2) and (f) 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**

  
\_\_\_\_\_  
Timothy Joaquin, Legislative Chairman  
17 day of March, 2020

**ATTEST:**

  
\_\_\_\_\_  
Evonne Wilson, Legislative Secretary  
17 day of March, 2020

**Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 17 day of March, 2020 at 5:04 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, Legislative Chairman

**APPROVED**

on the 17 day of March, 2020

**DISAPPROVED**

at 5:06 o'clock, p.m.

  
\_\_\_\_\_  
NED NORRIS, JR., CHAIRMAN  
TOHONO O'ODHAM NATION

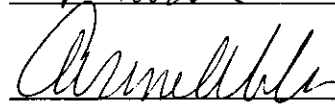
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1 Returned to the Legislative Secretary on the 17 day of

2 March, 2020, at 5:09 o'clock, P.m.

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7 **Evonne Wilson, Legislative Secretary**

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**ACTION: AUTHORIZING ACTION IN PREPARATION FOR AND DURING THE COVID-19 PANDEMIC PUBLIC HEALTH EMERGENCY**

**Moved: VICE CHAIRMAN QUINTIN C. LOPEZ**

**SECOND: COUNCILWOMAN SANDRA ORTEGA**

**DATE: MARCH 16, 2020**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 384.8	1. LEANDER MASE (Francine Schooling)	192.40	X			
	2. ALBERTA J. RAY (Frances G. Antone)	192.40	X			
CHUKUT KUK 347.5	1. VIVIAN JUAN-SAUNDERS (Juanita Homer)	173.75	X			
	2. MARLAKAY HENRY (Billman Lopez)	173.75	X			X
GUACHI 279.3	1. VICTORIA HOBBS ( )	139.65	X			
	2. TIMOTHY L. JOAQUIN (Louis L. Johnson)	139.65	X			
GUVO 264.5	1. DALLAS LEWIS (Nacho Flores)	132.25	X			
	2. GRACE MANUEL ( )	132.25	X			
HICKIWAN 213.8	1. SANDRA D. ORTEGA ( )	106.90	X			
	2. LOUIS R. LOPEZ (Delma M. Garcia)	106.90	X			
PISINEMO 230.7	1. MONICA K. MORGAN ( )	115.35	X			
	2. MARIETTA MARTIN ( )	115.35	X			
SAN LUCY 235.6	1. GLORIA RAMIREZ ( )	117.80	X			
	2. JANA MONTANA ( <i>Absent</i> ) (Lorraine M. Eller) ( <i>Present</i> )	117.80	X			
SAN XAVIER 238.9	1. JANICE FELIX (Adam Andrews)	119.45	X			
	2. DANIEL L.A. PRESTON III ( <i>Absent</i> ) (Racheal Vilson-Stoner) ( <i>Present</i> )	119.45	X			X
SCHUK TOAK 189.0	1. QUINTIN C. LOPEZ (Agnes V. Joaquin)	94.50	X			
	2. TERESA F. DONAHUE (Alberta Espinoza)	94.50	X			
SELLS 547.1	1. EVELYN JUAN MANUEL ( )	273.55	X			
	2. ARTHUR WILSON ( )	273.55	X			
SIF OIDAK 244.5	1. LUCINDA ALLEN (Yolonda Garcia)	122.25	X			
	2. MARY LOPEZ (Ann M. Garcia)	122.25	X			X
<b>TOTAL</b>		<b>3,175.7</b>	<b>3,175.7</b>	<b>-0-</b>	<b>-0-</b>	<b>[03]</b>