

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Amending 26 Tohono O'odham Code Chapter 1, Article 4 – Contracting
and Procurement Authority, Sections 1403 and 1406)**

RESOLUTION NO. 23-337

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation vests the Tohono O'odham
2 Legislative Council with the power to “consult, negotiate and conclude
3 agreements and contracts on behalf of the Tohono O'odham Nation with Federal,
4 State and local governments and other Indian tribes or their departments,
5 agencies, or political subdivisions, or with private persons or organizations on all
6 matters within the authority of the Tohono O'odham Council.” (Constitution,
7 Article VI, Section 1(f)); and

8 **WHEREAS,** by Resolution No. 08-707, the Legislative Council adopted 26 Tohono O'odham
9 Code Chapter 1, Article 4 - Contracting and Procurement Authority, which
10 clarifies the contracting authorities of the Nation's three branches of
11 government and specifies which contracts require Legislative Council approval;
12 and

13 **WHEREAS,** by Resolution No. 16-261, the Legislative Council approved a Self-Governance
14 Compact pursuant to Title V of the Indian Self-Determination and Education
15 Assistance Act with the Secretary of the U.S. Department of Health and Human
16 Services, Indian Health Service, and delegated related authorities necessary for
17 the Nation to assume certain Indian Health Service programs, functions, services
18 or activities; and

19 **WHEREAS,** Tohono O'odham Nation Health Care (“TONHC”) operates the Nation's hospital
20 and clinics for the benefit of the Nation's members, and requires numerous
21 contracts for goods and services that are necessary to maintain operations
22 services, and to comply with Centers for Medicare and Medicaid Services
23 conditions of participation; and

24 **WHEREAS,** by Resolution No. 18-168 and later by Resolution No. 20-338, which granted a
25 three-year extension, the Tohono O'odham Legislative Council adopted
26 amendments to the 26 Tohono O'odham Code Chapter 1, Article 4 - Contracting
27 and Procurement Authority to include contracting authority for TONHC, which
28 are set to expire September 30, 2023; and

29 **WHEREAS,** the Health and Human Services Committee reviewed and recommends that
30 TONHC's contracting authority be extended for an additional five years to expire
31 on September 30, 2028, in accordance with Exhibit A, 26 Tohono O'odham Code

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(Amending 26 Tohono O'odham Code Chapter 1, Article 4 - Contracting and Procurement Authority, Sections 1403 and 1406)

Page 2 of 3

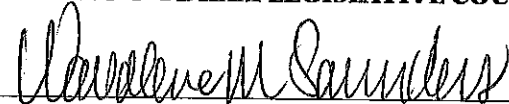
1 Chapter 1, Article 4, Section 1403 amendments, as incorporated by this reference;
2 and

3 **WHEREAS,** because of the critically important and often time-sensitive, life-and-death
4 nature of providing high quality health care services to the Nation's members, the
5 Health and Human Services Committee also recommends amending 26 Tohono
6 O'odham Code Chapter 1, Article 4, Section 1406 in accordance with Exhibit A to
7 delete references to Operational and Revenue Contracts entered pursuant to
8 Section 1403, and thereby affirming that TONHC is authorized to negotiate,
9 execute and otherwise conclude--which includes the power to sign and
10 administer--such contracts.

11 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council amends 26
12 Tohono O'odham Code Chapter 1, Article 4, Contracting and Procurement
13 Authority, Sections 1403 and 1406 in accordance with Exhibit A.

14 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 11TH
15 day of **SEPTEMBER 2023** at a meeting at which a quorum was present with a vote of **2,909.8 FOR;**
16 **95.9 AGAINST; -0- NOT VOTING; and 257.6 [04] ABSENT,** pursuant to the powers vested in the
17 Council by, Article V, Section 1; Article VI, Section 1 and Section 1(f) of the Constitution of the
18 Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and
19 approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6,
20 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).

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23 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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27 **Wavalene M. Saunders, Legislative Chairwoman**

28 13 day of September, 2023

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32 **ATTEST:**

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35 **Evonne Wilson, Legislative Secretary**

36 13 day of September, 2023

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39 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**
40 **O'odham Nation on the 15TH day of September, 2023 at 9:43 o'clock, A .m.,**
41 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**
42 **effective upon his approval or upon his failure to either approve or disapprove it within 48**
43 **hours of submittal.**
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(Amending 26 Tohono O'odham Code Chapter 1, Article 4 - Contracting and Procurement Authority, Sections 1403 and 1406)

Page 3 of 3

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TOHONO O'ODHAM LEGISLATIVE COUNCIL



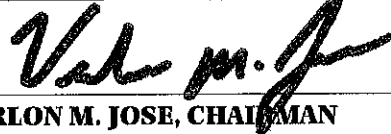
Wavalene M. Saunders, Legislative Chairwoman

APPROVED

on the 15th day of September, 2023

DISAPPROVED

at 11:31 o'clock, a.m.



**VERLON M. JOSE, CHAIRMAN
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 15 day of

September, 2023, at 11:10 o'clock, p.m.



Evonne Wilson, Legislative Secretary

ACTION: AMENDING 26 TOHONO O'ODHAM CODE CHAPTER 1, ARTICLE 4 - CONTRACTING AND PROCUREMENT AUTHORITY, SECTIONS 1403 AND 1406

MOVED: COUNCILWOMAN EVELY JUAN MANUEL

SECOND: COUNCILWOMAN VIVIAN JUAN-SAUNDERS

DATE: SEPTEMBER 11, 2023

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 394.2	1. LEANDER MASE (<i>Absent</i>) (Francine Schooling) (<i>Present</i>) 2. JESSE NAVARRO (Alberta J. Ray)	197.1 197.1	X X			X
CHUKUT KUK 354.7	1. VIVIAN JUAN-SAUNDERS (Cornelius Antone) 2. MARLAKAY HENRY ()	177.35 177.35	X X			
GUACHI 282.7	1. VICTORIA HOBBS (Tonya L. Joaquin) 2. TIMOTHY L. JOAQUIN (Jerome L. Joaquin)	141.35 141.35	X X			
GU VO 276.0	1. DALLAS LEWIS () 2. LESLIE LUNA (Grace Manuel)	138.0 138.0	X X			
HICKIWAN 220.5	1. DELMA M. GARCIA () 2. LOUIS R. LOPEZ (Loretta A. Ortega)	110.25 110.25	X X			
PISINEMO 236.2	1. EDWARD D. MANUAL (Monica Morgan) 2. PAMELA J. BENAVIDEZ (Nora J. Ruelas)	118.1 118.1	X X			
SAN LUCY 257.6	1. ROGER MANUEL (<i>Absent</i>) (Christina Andrews) (<i>Present</i>) 2. GLORIA M. RAMIREZ (<i>Absent</i>) (Lorraine M. Eiler) (<i>Present</i>)	128.8 128.8				X X
SAN XAVIER 244.5	1. JANICE FELIX () 2. DANIEL L.A. PRESTON III ()	122.25 122.25	X X			X
SCHUK TOAK 191.8	1. DELISA M. RAMON (Sharon A. Francisco) 2. THEORIA CAMPILLO (Rebecca Ann Valentine)	95.9 95.9	X	X		
SELLS 558.0	1. EVELYN JUAN-MANUEL (Arvada Liston) 2. JANET B. ELEANDO ()	279.0 279.0	X X			
SIF OIDAK 247.1	1. LUCINDA ALLEN (Francis Homewytewa) 2. WAVALENE M. SAUNDERS (Mary Lopez)	123.55 123.55	X X			
	TOTAL	3,263.30	2,909.8	95.9	-0-	257.6 [04]