

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Authorizing the Tohono O'odham Nursing Care Authority to Apply for FY 2009 ICDBG Funds)**

RESOLUTION NO. 09-351

- 1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the authority to provide "laws,**  
2 **ordinances, and resolutions . . . to promote, protect, and provide for public health,**  
3 **peace, morals, education and general welfare of the Tohono O'odham Nation and its**  
4 **members" (Constitution of the Tohono O'odham Nation, Article VI, Section 1(c)(2)); and**
- 5 **WHEREAS, the Tohono O'odham Nation has a continuing commitment to enhance the quality of**  
6 **life for aging O'odham; and**
- 7 **WHEREAS, the formation of the Tohono O'odham Nursing Care Authority ("TONCA") by the**  
8 **adoption of its charter and the construction of the Archie Hendricks Sr. Skilled**  
9 **Nursing Facility (the "Facility") were integral components of the commitment of the**  
10 **Nation's resources to its elders (Resolution No. 98-512, "Adopting the Charter of the**  
11 **Tohono O'odham Nursing Care Authority"); and**
- 12 **WHEREAS, while TONCA's mission is to provide a continuum of care to aging O'odham, the Facility**  
13 **currently has more ambulatory residents than it was originally designed to**  
14 **accommodate and therefore needs to be remodeled to adequately serve the needs of**  
15 **ambulatory residents; and**
- 16 **WHEREAS, TONCA has engaged an architect who will complete Facility remodeling plans and**  
17 **specifications by June 15, 2009; and**
- 18 **WHEREAS, TONCA has also completed a phase I environmental report for the remodeling project;**  
19 **and**
- 20 **WHEREAS, TONCA has presented its campus master plan, including both the development of**  
21 **assisted living and remodeling efforts, at several district council meetings during the**  
22 **past 60 days and has received supporting resolutions from two of the districts; and**
- 23 **WHEREAS, TONCA is authorized to apply for grants consistent with its mission and has identified**  
24 **a grant opportunity from the federal Department of Housing and Urban Development**  
25 **("HUD") through the Indian Community Development Block Grant program ("ICDBG")**  
26 **(First Amendment to the Amended and Restated Charter of the Tohono O'odham**  
27 **Nursing Care Authority, subsection 4.5.15); and**
- 28 **WHEREAS, ICDBG grants are competitive and cap the total amount available for the Nation's**  
29 **projects in FY 2009 at \$2.2 million; and**
- 30 **WHEREAS, the Facility remodeling project will require the entire \$2.2 million in FY 2009 ICDBG**  
31 **funds; and**

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1 **WHEREAS, eligible applicants for ICDBG funds include tribes and tribal organizations so long as**  
2 **only one applicant from a tribe applies in any one year; and**

3 **WHEREAS, TONCA is a legally established organization chartered by the Nation that includes the**  
4 **maximum participation of Indians in all phases of its activities; TONCA is therefore a**  
5 **"tribal organization" that is qualified to apply for ICDBG funding if authorized by**  
6 **Legislative Council resolution (25 U.S.C. § 450b; 24 C.F.R. § 1003.5); and**

7 **WHEREAS, the Nation's Chairman has written a letter supporting TONCA's application for FY 2009**  
8 **ICDBG funding and directing TONCA to obtain the required Legislative Council**  
9 **resolution in support of its application; and**

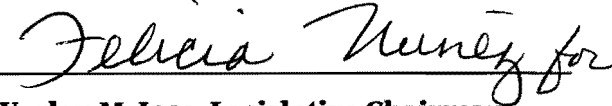
10 **WHEREAS, the Legislative Health and Human Services Committee has reviewed and discussed the**  
11 **Facility remodeling proposal and recommends that the Legislative Council authorize**  
12 **TONCA to apply for FY 2009 ICDBG funding.**

13 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that**

- 14 **1. TONCA is hereby authorized to apply for FY 2009 ICDBG program funding for the**  
15 **Facility remodeling project on the Nation's behalf and to be the Nation's sole**  
16 **applicant for such funding in FY 2009.**
- 17 **2. TONCA shall provide a copy of its completed FY 2009 ICDBG program application**  
18 **including the budget to the Legislative Health and Human Services Committee and**  
19 **the Chairman of the Nation.**

20 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 11<sup>TH</sup> Day**  
21 **of JUNE, 2009 at a meeting at which a quorum was present with a vote of 2,145.9 FOR; -0- AGAINST;**  
22 **449.6 NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by Article VI**  
23 **Section 1 (c)(2) of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono**  
24 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**  
25 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**  
26 **Stat. 984).**

27 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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29   
30 **Verlon M. Jose, Legislative Chairman**  
31 11<sup>th</sup> day of June, 2009

32  
33 **ATTEST:**

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35 \_\_\_\_\_  
36 **Evonne Wilson, Legislative Secretary**

37 11 day of June, 2009.

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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 11<sup>th</sup> day of June, 2009 at 7:07 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.

7 TOHONO O'ODHAM LEGISLATIVE COUNCIL

9  
10 Julicia Tuney  
11 Verlon M. Jose, Legislative Chairman

15  
16  APPROVED

on the 12 day of June, 2009

17  
18  DISAPPROVED

at 8:35 o'clock, A.M.

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

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27 Returned to the Legislative Secretary on the 12 day of

28  
29 June, 2009, at 9:06 o'clock, a.M.

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31 Evonne Wilson  
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33 Evonne Wilson, Legislative Secretary  
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**ACTION: AUTHORIZING THE TOHONO O'ODHAM NURSING CARE AUTHORITY TO APPLY FOR FY 2009 ICDBG FUNDS**

**MOVED: COUNCILWOMAN CYNTHIA E. MANUEL**

**SECOND: COUNCILWOMAN SANDRA ORTEGA**

**DATE: JUNE 11, 2009**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>SIF OIDAK</b> <b>198.7</b>	1. WAVALENE ROMERO (Nicholas Jose)	99.35	X			
	2. MARY LOPEZ ( )	99.35	X			X
<b>SELLS</b> <b>449.6</b>	1. KIMBERLY LISTO ( )	224.80			X	
	2. EVELYN B. JUAN MANUEL ( )	224.80			X	
<b>SCHUK TOAK</b> <b>159.0</b>	1. FRANCES B. CONDE (Fredrick Jose)	79.50	X			
	2. LINDA PARLEY (Agnes Joaquin)	79.50	X			
<b>SAN XAVIER</b> <b>204.7</b>	1. FELICIA NUÑEZ ( )	102.35	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	102.35	X			
<b>SAN LUCY</b> <b>187.1</b>	1. LORRAINE EILER (Charlotte Cadavas)	93.55	X			
	2. GLORIA RAMIREZ ( )	93.55	X			
<b>PISINEMO</b> <b>184.5</b>	1. CHESTER ANTONE (Tony Murrietta)	92.25	X			
	2. EDWARD MANUEL (Gerald Fayuant)	92.25	X			
<b>HICKIWAN</b> <b>174.5</b>	1. MICHELLE ORTEGA ( )	87.25	X			
	2. SANDRA ORTEGA ( )	87.25	X			
<b>GU VO</b> <b>206.3</b>	1. GRACE MANUEL ( )	103.15	X			X
	2. PAMELA ANGHILL (Angela Ortiz)	103.15	X			
<b>GU ACHI</b> <b>230.1</b>	1. TIMOTHY L. JOAQUIN ( )	115.05	X			
	2. CYNTHIA E. MANUEL ( )	115.05	X			
<b>CHUKUT KUK</b> <b>277.0</b>	1. ETHEL GARCIA (Sara Mae Williams)	138.50	X			
	2. VERLON M. JOSE ( )	138.50	X			X
<b>BABOQUIVARI</b> <b>324.0</b>	1. FRANCES MIGUEL (Roberta Harvey)	162.0	X			
	2. FRANCES G. ANTONE ( )	162.0	X			
<b>TOTAL</b>		<b>2,595.5</b>	<b>2,145.9</b>	<b>-0-</b>	<b>449.6</b>	<b>[03]</b>