

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Authorizing Execution of Documents for Tohono O'odham Ki:Ki Association's 2019 Low**  
**Income Housing Tax Credit Program Application for the TOKA Homes IV Low Income**  
**Housing Tax Credit Program Application)**

**RESOLUTION NO. 19-082**

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council with**  
2 **the power to enact laws "to promote, protect, and provide for public health,**  
3 **peace, morals, education, and general welfare of the Tohono O'odham Nation and**  
4 **its members" and to enact laws "governing the use, assignment, permit, lease or**  
5 **other disposition of lands, interests in land and resources of the nation**  
6 **consistent with Federal law" (Constitution, Article VI, Section 1(c)(2) and Article**  
7 **XVI, Section 1); and**

8 **WHEREAS, TOKA is established as a separate tribal entity, pursuant to Tohono O'odham**  
9 **Legislative Council Ordinance No. 98-03, as amended, and is designated by the**  
10 **Tohono O'odham Nation as the Nation's Tribally Designated Housing Entity in**  
11 **accordance with the Native American Housing Assistance and Self-**  
12 **Determination Act of 1996, § 2 U.S.C. § 4101, et seq., P.L.104-330, 110 Stat. 4106**  
13 **("NAHASDA") and is authorized to receive and administer the Nation's Indian**  
14 **Housing Block Grants, operate and develop low income housing for the Tohono**  
15 **O'odham Nation, and to provide safe, decent, and affordable housing on the**  
16 **reservation; and**

17 **WHEREAS, to this end, TOKA plans to submit a 2019 Low Income Housing Tax Credit ("2019**  
18 **LIHTC") application to the Arizona Department of Housing ("ADOH"); and**

19 **WHEREAS, the proposed 2019 LIHTC project, known as "TOKA Homes IV," consists of twenty-**  
20 **nine (29) newly-constructed housing units consisting of twelve (12) townhomes**  
21 **and seventeen (17) single family homes located within the Gu Achi District,**  
22 **Arizona ("Project"); and**

23 **WHEREAS, the Gu Achi District Council has designated and the Nation, pursuant to that**  
24 **certain Master Lease by and between TOKA, as Lessee, and the Nation, as Lessor**  
25 **approved by the Secretary of the Interior on February 1, 2018 and recorded with**  
26 **the Land and Title Records of the U.S. Secretary of the Interior, Bureau of Indian**  
27 **Affairs, Albuquerque, New Mexico as Document #4200071734 on July 10, 2018 (the**  
28 **"Master Lease"), has leased to TOKA a parcel of approximately 640 acres of the**  
29 **Nation's trust lands located within the Gu Achi District known as "Hanam Ke:K"**  
30 **for TOKA's development of housing and community amenities for the benefit of**  
31 **the Nation and its members (the "Hanam Ke:K Site")(Resolution No. 17-149); and**  
32

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**(Authorizing Execution of Documents for Tohono O'odham Ki:Ki Association's 2019 Low Income Housing Tax Credit Program Application for the TOKA Homes IV Low Income Housing Tax Credit Program Application)**

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1 **WHEREAS, a portion of the Hanam Ke:K site will be subleased by TOKA to an entity formed,**  
2 **controlled and used by TOKA for the construction and operation of the 2019**  
3 **LIHTC Project by TOKA (the "Project Site"); and**

4 **WHEREAS, it is necessary for the 2019 LIHTC application that TOKA form a special purpose**  
5 **entity, to be known as "TOKA #4 Limited Partnership" ("Partnership"), an Arizona**  
6 **limited partnership, that will own and operate the Project; and**

7 **WHEREAS, it is also necessary for the submission of TOKA's 2019 LIHTC application that the**  
8 **Partnership have site control of the Project Site for a term of 45 years via (1) the**  
9 **existing Master Lease between TOKA and the Nation; and (2) an Agreement to**  
10 **Sublease the Project Site between TOKA and the Partnership; and**

11 **WHEREAS, after submission of TOKA's 2019 LIHTC application to ADOH, ADOH will send the**  
12 **Nation an ADOH form Community Letter of Acknowledgement and request that**  
13 **the Nation sign and return the Letter indicating the Nation's acknowledgement of**  
14 **and consent to the TOKA Homes IV LIHTC Project; and**

15 **WHEREAS, the Housing Committee reviewed TOKA's 2019 LIHTC application and**  
16 **recommends approval and authorization to execute necessary documents.**

17 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council, for the**  
18 **purposes of TOKA's submission to ADOH of its 2019 LIHTC application for the**  
19 **TOKA Homes IV LIHTC Project, acknowledges and supports the Agreement to**  
20 **Sublease the Project Site between TOKA and the Partnership.**

21 **BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council, for the purposes of**  
22 **TOKA's submission to ADOH of its 2019 LIHTC application for the TOKA Homes IV**  
23 **LIHTC Project, approves and authorizes the Nation's Chairman or designated**  
24 **official to execute on behalf of the Nation, the Community Letter of**  
25 **Acknowledgement for TOKA's 2019 LIHTC application to ADOH.**

26 **BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council approves and**  
27 **authorizes the Nation's Chairman or designated official to execute and deliver**  
28 **any and all additional documents on behalf of the Nation to carry out the purpose**  
29 **and intent of this resolution.**

30 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 07<sup>TH</sup>**  
31 **day of MARCH, 2019 at a meeting at which a quorum was present with a vote of 2,601.8 FOR; -0-**  
32 **AGAINST; 256.9 [01] NOT VOTING; and 225.9 [07] ABSENT, pursuant to the powers vested in the**  
33 **Council by Article VI, Section 1(c)(2) and Article XVI, Section 1 of the Constitution of the Tohono**  
34 **O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by**  
35 **the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant**  
36 **to Section 16 of the Act of June 18, 1934 (48 Stat.984).**

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(Authorizing Execution of Documents for Tohono O'odham Ki:Ki Association's 2019 Low Income Housing Tax Credit Program Application for the TOKA Homes IV Low Income Housing Tax Credit Program Application)

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

*Timothy Joaquin*  
Timothy Joaquin, Legislative Chairman  
8 day of March, 2019

ATTEST:

*Evonne Wilson*  
Evonne Wilson, Legislative Secretary  
7 day of March, 2019

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 8 day of March, 2019 at 9:25 o'clock, a.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

on the 8 day of March, 2019

DISAPPROVED

at 5:00 o'clock, p.m.

*Edward D. Manuel*  
EDWARD D. MANUEL, CHAIRMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 8 day of

March, 2019, at 5:09 o'clock, p.m.

*Evonne Wilson*  
Evonne Wilson, Legislative Secretary

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**ACTION: AUTHORIZING EXECUTION OF DOCUMENTS FOR TOHONO O'ODHAM KI:KI ASSOCIATION'S 2019 LOW INCOME HOUSING TAX CREDIT PROGRAM APPLICATION FOR THE TOKA HOMES IV LOW INCOME HOUSING TAX CREDIT PROGRAM APPLICATION**

**Moved: COUNCILWOMAN LORETTA LEWIS**

**SECOND: COUNCILWOMAN MARY LOPEZ**

**DATE: MARCH 07, 2019**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 235.8	1. MARY LOPEZ ( )	117.9	X			
	2. LUCINDA ALLEN (Yolonda Garcia)	117.9	X			
SELLS 527.2	1. ARTHUR WILSON (Evelyn Juan Manuel)	263.6	X			
	2. ADRIANNE TILLER ( )	263.6	X			X
SCHUK TOAK 185.7	1. ANTHONY J. FRANCISCO JR. (Teresa F. Donahue)	92.85	X			
	2. QUINTIN C. LOPEZ ( <i>Absent</i> ) (Agnes V. Joaquin) ( <i>Present</i> )	92.85	X			
SAN XAVIER 232.3	1. DANIEL L.A. PRESTON III (Felicia Nunez)	116.15	X			X
	2. JANICE FELIX (Adam Andrews)	116.15	X			
SAN LUCY 231.1	1. JANA MONTANA (Diana Manuel)	115.55	X			
	2. GLORIA RAMIREZ (Lorraine Eller)	115.55	X			
PISINEMO 225.9	1. CHESTER ANTONE (Caroline D. Garcia)	112.95	X			X
	2. MONICA K. MORGAN ( )	112.95	X			X
HICKIWAN 209.0	1. LOUIS R. LOPEZ (Shirley Molina)	104.5	X			
	2. SANDRA D. ORTEGA ( )	104.5	X			X
GU VO 256.9	1. GRACE MANUEL ( )	128.45			X	
	2. DALLAS LEWIS (Nacho Flores)	128.45			X	X
GU ACHI 270.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	135.45	X			
	2. LORETTA LEWIS (Victoria Hobbs)	135.45	X			
CHUKUT KUK 337.7	1. BILLMAN LOPEZ (Patricia Antone)	168.85	X			
	2. VIVIAN JUAN-SAUNDERS (Juanita Homer)	168.85	X			
BABOQUIVARI 372.1	1. FRANCES MIGUEL (Roberta E. Harvey)	186.05	X			
	2. LEANDER MASE (Francine Schooling)	186.05	X			X
<b>TOTAL</b>		<b>3,084.6</b>	<b>2,601.8</b>	<b>-0-</b>	<b>256.9</b> <b>[01]</b>	<b>225.9</b> <b>[07]</b>