

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Land Lease to United States Postal Service for Topawa Post Office Site)**

RESOLUTION NO. 09-130

1 **WHEREAS, the Tohono O'odham Nation (the "Nation") has leased a one-half acre parcel of land**
2 **in Topawa community, Baboquivari District, for twenty-five years to the United States**
3 **Postal Service beginning on February 24, 1984; and**

4 **WHEREAS, the United States constructed and owns the building that serves as the post office on**
5 **the Topawa land; and**

6 **WHEREAS, during the first 15 years of the lease the rental was \$600 per year, during years 16 to 20**
7 **the rental was \$750 per year, and during years 21 to 25 was \$850 per year, all of which**
8 **was paid to the Nation; and**

9 **WHEREAS, the United States Postal Service has requested a new land lease for five years until**
10 **February 2014 at the rental rate of \$2,400 per year, with an option to renew for an**
11 **additional five years until February 2019 at the rental rate of \$3,000 per year; and**

12 **WHEREAS, although no appraisal was performed by the Nation or the Bureau of Indian Affairs in**
13 **1984 or in 2008 to estimate the fair market value of the land lease, the increase in**
14 **rental from \$600 in 1984 to \$2,400 in 2008 exceeds the rate of Consumer Price Index**
15 **inflation between 1984 and 2008, according to the Bureau of Labor Statistics of the U.S.**
16 **Department of Labor; and**

17 **WHEREAS, the Baboquivari District Council, by Resolution No. 09-B-22, has requested that 100%**
18 **of the lease revenues be transferred to Topawa community, and Topawa community,**
19 **by Resolution No. 09-TC-01, has requested that 100% of the lease revenues from the**
20 **lease be transferred to the community; and**

21 **WHEREAS, Topawa community and Baboquivari District have requested that the United States**
22 **Postal Service perform repairs of the post office facility to ensure the safety of the**
23 **public, including addressing the flooding of the parking lot and the uneven floor tiles**
24 **within the building; and**

25 **WHEREAS, the Natural Resources and the Budget & Finance Committees have reviewed this lease**
26 **proposal.**

27 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council:**

- 28 **1. Approves the attached land lease to the United States Postal Service for the one-**
29 **half acre Topawa parcel used for a post office, providing for a term of five years**
30 **at a rental rate of \$2,400, and an option to renew for an additional five years at a**
31 **rental rate of \$3,000, and authorizes the Chairman of the Nation to execute the**
32 **lease.**

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- 1 2. Approves the request of Baboquivari District and Topawa community to transfer
2 100% of the revenues to Topawa community, provided that the lease payments
3 will be paid by the United States Postal Service to the Treasurer of the Nation,
4 which funds shall thereafter be transferred to Baboquivari District in accordance
5 with the policies of the Treasurer's Office for transfer of funds to Districts and in
6 compliance with Article IX, Section 7, of the Constitution of the Tohono O'odham
7 Nation regarding expenditure of district funds only in accordance with budgets
8 approved by the Legislative Council, for use by Topawa community in accordance
9 with a budget.
- 10 3. Requests that the United States Postal Service perform repairs and maintenance
11 of the post office facility to ensure the safety of the public.

12 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 12TH Day
13 of MARCH, 2009 at a meeting at which a quorum was present with a vote of 1,999.25 FOR; 535.25
14 AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Article
15 VI, Section 1 (i)(2) & (3) and Article IX Section 7 of the Constitution of the Tohono O'Odham Nation,
16 adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy
17 Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act
18 of June 18, 1934 (48 Stat. 984).

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20 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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24 Verlon M. Jose, Legislative Chairman

25
26 12th day of March, 2009

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28 ATTEST:

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32 Lucille Lopez, Acting Legislative Secretary

33
34 12 day of March, 2009.

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36 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham
37 Nation on the 12th day of March, 2009 at 5:30 o'clock, p .M.,
38 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
39 upon his approval or upon his failure to either approve or disapprove it within 48 hours of
40 submittal.

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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Verlon M. Jose, Legislative Chairman

APPROVED

on the 13 day of March, 2009

DISAPPROVED

at 12:05 o'clock, P.M.


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

Returned to the Legislative Secretary on the 13 day of

March, 2009, at 12:15 o'clock, P.M.


Lucille Lopez, Acting Legislative Secretary

ACTION: APPROVING LAND LEASE TO UNITED STATES POSTAL SERVICE FOR TOPAWA POST OFFICE SITE

MOVED: COUNCILWOMAN FRANCES G. ANTONE

SECOND: COUNCILWOMAN FRANCES MIGUEL

DATE: MARCH 12, 2009

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			
	2. FRANCES G. ANTONE (Vernon Smith)	158.45	X			
CHUKUT KUK 264.8	1. ETHEL GARCIA ()	132.40	X			
	2. VERLON M. JOSE ()	132.40	X			X
GU ACHI 227.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ()	113.95	X			
GU VO 199.2	1. GRACE MANUEL ()	99.60	X			
	2. RAYMOND VICTOR ()	99.60	X			X
HICKIWAN 172.0	1. MICHELLE ORTEGA ()	86.00	X			
	2. SANDRA ORTEGA ()	86.00	X			
PISINEMO 182.4	1. CHESTER ANTONE (Tony Murrietta)	91.20	X			
	2. GERALD FAYUANT ()	91.20	X			
SAN LUCY 181.1	1. LORRAINE EILER ()	90.55	X			
	2. GLORIA RAMIREZ ()	90.55		X		
SAN XAVIER 196.5	1. FELICIA NUÑEZ (Adam P. Andrews)	98.25	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25	X			
SCHUK TOAK 154.6	1. FRANCES B. CONDE (Frederick Jose)	77.30	X			
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
SELLS 444.7	1. KIMBERLY LISTO ()	222.35		X		
	2. EVELYN B. JUAN MANUEL ()	222.35		X		
SIF OIDAK 194.4	1. WAVALENE ROMERO ()	97.20	X			
	2. MARY LOPEZ ()	97.20	X			
TOTAL		2,534.5	1,999.25	535.25	-0-	[02]

**PASSED VOTES