

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Agreement to Enter Into New Master Lease Between the Nation and TOKA
for a Term of Fifty Years for TOKA's 2017 Low Income Housing Tax Credit Project)

RESOLUTION NO. 17-058

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council**
2 **with 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**
4 **and its members" and to enact laws "governing the use, assignment, permit,**
5 **lease or 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, the Tohono O'odham Ki:Ki Association ("TOKA") is designated by the Tohono**
9 **O'odham Nation as the Nation's Tribally Designated Housing Entity in**
10 **accordance with the Native American Housing Assistance and Self-**
11 **Determination Act of 1996, 2 U.S.C. § 4101, et seq., P.L. 104-330, 110 Stat. 4106**
12 **("NAHASDA") and is authorized to receive and administer the Nation's Indian**
13 **Housing Block Grants, operate and develop low income housing for the Tohono**
14 **O'odham Nation, and to provide safe, decent, and affordable housing on the**
15 **reservation (18 Tohono O'odham Code Chapter 1); and**

16 **WHEREAS, the TOKA plans to submit a Low Income Housing Tax Credit ("2017 LIHTC")**
17 **application to the Arizona Department of Housing ("ADOH") for its 2017 LIHTC**
18 **project, known as "TOKA Homes III," which consists of 38 newly constructed**
19 **housing units comprised of 14 townhomes and 24 single family homes in a**
20 **designated community revitalization area located within the San Xavier**
21 **District, Arizona ("Project"); and**

22 **WHEREAS, the San Xavier District Council has designated a parcel of approximately 14**
23 **acres of the Nation's trust lands located within the San Xavier District known as**
24 **"Black Mountain" for the site, construction and operation of the TOKA III**
25 **Project (the "Project Site"); and**

26 **WHEREAS, as a requirement of the 2017 LIHTC application to ADOH, TOKA must form a**
27 **special purpose entity, to be known as "TOKA #3 Limited Partnership"**
28 **("Partnership"), an Arizona limited partnership, that will own and operate the**
29 **Project; and**

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1 **WHEREAS, it is necessary for TOKA's 2017 LIHTC application that the Partnership have site**
2 **control of the Project Site via (i) an agreement to enter into a new master lease**
3 **for the Project Site between TOKA and the Tohono O'odham Nation with a term**
4 **of fifty years; and (ii) an agreement between TOKA and the Partnership to**
5 **sublease the Project Site to the Partnership; and**

6 **WHEREAS, the Housing Committee recommends the Council (i) approve an agreement to**
7 **enter into a new master lease for the Project Site between TOKA and the Tohono**
8 **O'odham Nation for a term of fifty years; and (ii) to acknowledge and support the**
9 **agreement between TOKA and the Partnership to sublease the Project Site to the**
10 **Partnership in order to submit TOKA's 2017 LIHTC application to ADOH; and**

11 **WHEREAS, after submission of TOKA's 2017 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**
14 **of and consent to the TOKA Homes III LIHTC Project; and**

15 **WHEREAS, the Housing Committee recommends providing a Community Letter of**
16 **Acknowledgement to show the Nation's acknowledgement of and consent to the**
17 **TOKA Homes III LIHTC Project.**

18 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that, for**
19 **purposes of TOKA's submission to ADOH of its 2017 LIHTC application for the**
20 **TOKA Homes III LIHTC Project, it:**

21 **(i) approves an agreement to enter into a new master lease for the Project**
22 **Site between TOKA and the Tohono O'odham Nation for a term of fifty**
23 **years; and**

24 **(ii) acknowledges and supports the agreement between TOKA and the**
25 **Partnership to sublease the Project Site to the Partnership in order to**
26 **submit TOKA's 2017 LIHTC application to ADOH.**

27 **BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council approves and**
28 **authorizes the Nation's Chairperson to execute, on behalf of the Nation, the**
29 **Community Letter of Acknowledgement for TOKA's 2017 LIHTC application to**
30 **ADOH.**

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1 **BE IT FINALLY RESOLVED** that the Tohono O'odham Legislative Council approves and
2 authorizes the Nation's Chairperson to execute and deliver any and all
3 additional documents on behalf of the Nation to carry out the purpose and
4 intent of this resolution.

5 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08TH
6 day of FEBRUARY, 2017 at a meeting at which a quorum was present with a vote of 3,021.4 FOR;
7 -0- AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by
8 Article VI, Section 1(c)(2), and Article XVI, Section 1 of the Constitution of the Tohono O'odham
9 Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the
10 Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to
11 Section 16 of the Act of June 18, 1934 (48 Stat.984).

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13 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

14
15 Timothy Joaquin for
16 Timothy Joaquin, Legislative Chairman
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18 9th day of February, 2017
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23 **ATTEST:**

24 Yvonne Wilson for
25 Yvonne Wilson, Legislative Secretary
26
27 09 day of February, 2017
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30 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
31 O'odham Nation on the 9 day of February, 2017 at 1055 o'clock, A.m.,
32 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
33 effective upon his approval or upon his failure to either approve or disapprove it within 48
34 hours of submittal.

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36 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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38 Timothy Joaquin for
39 Timothy Joaquin, Legislative Chairman
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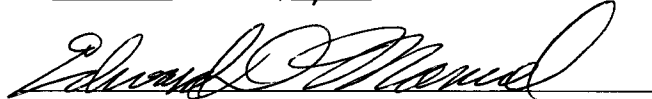
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APPROVED

on the 9 day of February, 2017

DISAPPROVED

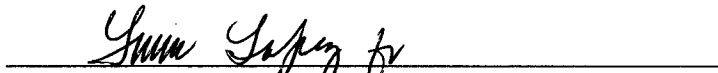
at 2:15 o'clock, P.m.



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

Returned to the Legislative Secretary on the 09 day of

February, 2017, at 4:50 o'clock, P.m.


Evonne Wilson, Legislative Secretary

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ACTION: APPROVING AGREEMENT TO ENTER INTO NEW MASTER LEASE BETWEEN THE NATION AND TOKA FOR A TERM OF FIFTY YEARS FOR TOKA'S 2017 LOW INCOME HOUSING TAX CREDIT PROJECT

Moved: COUNCILWOMAN MONICA K. MORGAN

SECOND: COUNCILWOMAN RACHEAL VILSON-STONER

DATE: FEBRUARY 08, 2017

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 367.2	1. FRANCES MIGUEL (Roberta E. Harvey)	183.60	X			
	2. VERNON J. SMITH <i>(Absent)</i> (Gloria Zazueta) <i>(Present)</i>	183.60	X			
CHUKUT KUK 332.1	1. ETHEL GARCIA (Marla Kay Henry)	166.05	X			
	2. BILLMAN LOPEZ <i>(Absent)</i> (Patricia Vicenti) <i>(Present)</i>	166.05	X			X
GU ACHI 265.0	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	132.50	X			
	2. LORETTA LEWIS ()	132.50	X			
GU VO 250.6	1. GRACE MANUEL <i>(Absent)</i> (Dallas Lewis) <i>(Present)</i>	125.30	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	125.30	X			
HICKIWAN 205.8	1. LOUIS R. LOPEZ (Shirley Molina)	102.90	X			
	2. SANDRA ORTEGA ()	102.90	X			
PISINEMO 219.9	1. CHESTER ANTONE (Caroline D. Garcia)	109.95	X			
	2. MONICA K. MORGAN ()	109.95	X			
SAN LUCY 226.5	1. DIANA MANUEL (Lorraine Eiler)	113.25	X			
	2. JANA MONTANA (Gloria Ramirez)	113.25	X			
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III <i>(Absent)</i> (Felicia Nunez) <i>(Present)</i>	114.3	X			
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	114.3	X			
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. ()	90.3	X			X
	2. QUINTIN C. LOPEZ (John Fendenheim)	90.3	X			
SELLS 513.5	1. ARTHUR WILSON (Beverly Rivas)	256.75	X			
	2. BARBARA HAVIER (Idaleen Reyes)	256.75	X			
SIF OIDAK 231.6	1. LUCINDA ALLEN ()	115.80	X			
	2. MARY LOPEZ ()	115.80	X			X
TOTAL		3,021.4	3,021.4	-0-	-0-	[03]