

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Tohono O'odham Nation and Tohono O'odham Ki:Ki Association Master Leases for TOKA Housing Project 1007-SM-16 in the San Miguel Community, Chukut Kuk District and TOKA Housing Project 1001-GA-13 in the Gu Achi District)

RESOLUTION NO. 17-149

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

8 **WHEREAS,** the Tohono O'odham Ki:Ki Association ("TOKA") is the tribally designated housing
9 entity ("TDHE") of the Tohono O'odham Nation ("Nation") authorized to
10 administer United States Housing and Urban Development ("HUD") block grant
11 funds pursuant to 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 to operate and develop low income housing for the Nation and
14 its members (18 Tohono O'odham Code Chapter 1); and

15 **WHEREAS,** to help reach its goals and objectives, as defined and set forth in the Nation's 2016
16 Indian Housing Plan, TOKA plans to construct two housing projects, one in the
17 San Miguel Community in Chukut Kuk District known as TOKA Project 1007-SM-
18 16 ("Project 1007-SM-16") and the other in the Gu Achi District, known as TOKA
19 Project 1001-GA-13 ("Project 1001-GA-13"), consisting of a total of 25 new single-
20 family units for low-income NAHASDA eligible families and 15 pads for future
21 build out; and

22 **WHEREAS,** in order for TOKA to continue with the development and construction of Project
23 1007-SM-16 and Project 1001-GA-13, for HUD and NAHASDA purposes and
24 program requirements, TOKA, as Lessee, much secure site control of the parcels
25 of real property comprising each of the projects by entering into new leases with
26 the Nation, as Lessor, each for terms of 50 years, subject to approval by the
27 Secretary of Interior, as required by law (the "Master Leases"); and

28 **WHEREAS,** the San Miguel Community and the Chukut Kuk District support Project 1007-SM-
29 16 and TOKA's request for a Master Lease for the parcel of real property
30 comprising Project 1007-SM-16; and

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1 **WHEREAS, the Gu Achi District supports Project 1001-GA-13 and TOKA's request for a Master**
2 **Lease for the parcel of real property comprising Project 1001-GA-13; and**

3 **WHEREAS, the Housing Committee recommends that the Nation, as Lessor, enter into master**
4 **leases with TOKA, as Lessee, for Project 1007-SM-16 and Project 1001-GA-13, for a**
5 **total of 25 new single-family units for low-income NAHASDA eligible families and**
6 **15 pads for future build out, each for terms of fifty years, in the best interests of**
7 **the Nation to address and serve the housing needs of the Nation's members.**

8 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council it authorizes**
9 **and approves:**

- 10 (1) **a new Master Lease between the Nation, as Lessor, and TOKA, as Lessee, for**
11 **Project 1007-SM-16 located in the San Miguel Community, Chukut Kuk**
12 **District, for a term of fifty years, subject to approved by the Secretary of**
13 **Interior as required by law, in the form attached hereto as Exhibit A; and**
14 (2) **a new Master Lease between the Nation, as Lessor, and TOKA, as Lessee, for**
15 **Project 1001-GA-13 located in the Gu Achi District, for a term of fifty years,**
16 **subject to approval by the Secretary of Interior as required by law, in the**
17 **form attached hereto as Exhibit B.**

18 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that the Nation's**
19 **chairperson is authorized and directed to execute the new Master Leases for**
20 **Project 1007-SM-16 and Project 1001-GA-13, respectively, together with any and**
21 **all other documents or instruments necessary or that may be required to**
22 **implement and carry out the intent of this resolution.**

23 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 07TH day**
24 **of APRIL, 2017 at a meeting at which a quorum was present with a vote of 3,021.4 FOR; -0-**
25 **AGAINST; -0- NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the Council by**
26 **Article VI, Section 1(c)(2) and Article XVI, Section 1 of the Constitution of the Tohono O'odham**
27 **Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting**
28 **Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section**
29 **16 of the Act of June 18, 1934 (48 Stat.984).**

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32 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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35 *Guacinda J. Allen for:*
36 **Timothy Joaquin, Legislative Chairman**

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38 *11th* day of *April*, 2017

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(Approving Tohono O'odham Nation and Tohono O'odham Ki:Ki Association Master Leases for TOKA Housing Project 1007-SM-16 in the San Miguel Community, Chukut Kuk District and TOKA Housing Project 1001-GA-13 in the Gu Achi District)

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1 ATTEST:

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4 Evonne Wilson, Legislative Secretary

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6 11 day of April, 2017
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8 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
9 O'odham Nation on the 12 day of April, 2017 at 8:33 o'clock, a.m.,
10 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
11 effective upon his approval or upon his failure to either approve or disapprove it within 48
12 hours of submittal.
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14 TOHONO O'ODHAM LEGISLATIVE COUNCIL

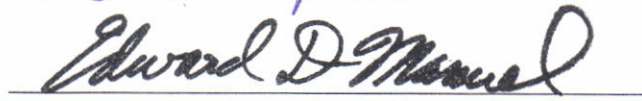
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18 Timothy Joaquin, Legislative Chairman
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23 APPROVED

on the 13th day of April, 2017

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25 DISAPPROVED

at 2:35 o'clock, p.m.

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29 EDWARD D. MANUEL, CHAIRMAN
30 TOHONO O'ODHAM NATION
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35 Returned to the Legislative Secretary on the 13 day of

36 April, 2017, at 3:17 o'clock, p.m.

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40 Evonne Wilson, Legislative Secretary
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ACTION: APPROVING TOHONO O'ODHAM NATION AND TOHONO O'ODHAM KI:KI ASSOCIATION MASTER LEASES FOR TOKA HOUSING PROJECT 1007-SM-16 IN THE SAN MIGUEL COMMUNITY, CHUKUT KUK DISTRICT AND TOKA HOUSING PROJECT 1001-GA-13 IN THE GU ACHI DISTRICT

Moved: COUNCILWOMAN BARBARA HAVIER

SECOND: COUNCILMAN QUINTIN C. LOPEZ

DATE: APRIL 07, 2017

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 367.2	1. FRANCES MIGUEL (Roberta E. Harvey)	183.60	X			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 (Patricia Vicenti)	166.05	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 (Dallas Lewis)	125.30	X			
	2. PAMELA ANGHILL (<i>Absent</i>) (Jeffery Antone, Sr.) (<i>Present</i>)	125.30	X			
HICKIWAN 205.8	1. LOUIS R. LOPEZ (Shirley Molina)	102.90	X			
	2. SANDRA ORTEGA ()	102.90	X			X
PISINEMO 219.9	1. CHESTER ANTONE (<i>Absent</i>) (Caroline D. Garcia) (<i>Present</i>)	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 (Felicia Nunez)	114.3	X			
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	114.3	X			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-	[05]