

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving TOKA to Apply and Enter into a HUD Title VI Federally Guaranteed Loan**  
**for the Construction of Tribal Housing Projects in the Chukut Kuk and Gu Achi Districts)**

**RESOLUTION NO. 17-150**

1   **WHEREAS,**    **the Constitution of the Tohono O'odham Nation ("Nation") vests the Legislative**  
2                   **Council with the authority "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" (Constitution, Article VI, Section 1(c)(2)); and**

5   **WHEREAS,**    **the Nation is a federally recognized tribe and the governing body for the Nation is**  
6                   **the Tohono O'odham Legislative Council; and**

7   **WHEREAS,**    **the Tohono O'odham Ki:Ki Association ("TOKA") is the Nation's tribally**  
8                   **designated housing entity ("TDHE") in accordance with the Native American**  
9                   **Housing Assistance and Self-Determination Act of 1996, 25 U.S.C. § 4101, et seq.,**  
10                  **P.L. 104-330, 110 Stat. 4106 ("NAHASDA") (18 Tohono O'odham Code Chapter 1,**  
11                  **available at [http://tolc-nsn.gov/docs/Title 18Ch1.pdf](http://tolc-nsn.gov/docs/Title%2018Ch1.pdf)); and**

12   **WHEREAS,**    **pursuant to 18 Tohono O'odham Code Chapter 1, TOKA is authorized "to leverage**  
13                   **its federal funds, in a manner consistent with applicable federal and other rules**  
14                   **and regulations, with the available funds or funding sources for the purpose of**  
15                   **obtaining necessary funding to implement and achieve the short-and long-term**  
16                   **housing objectives of the Tohono O'odham Nation" (18 Tohono O'odham Code,**  
17                   **Article I, 1.d.); and**

18   **WHEREAS,**    **the U.S. Department of Housing and Urban Development ("HUD") offers a**  
19                   **federally guaranteed loan program known as the Title VI Tribal Loan Guarantee**  
20                   **Program ("Title VI Guaranteed Loan") to assist Indian Housing Block Grant**  
21                   **("IHBG") recipients finance eligible housing activities to help reach goals and**  
22                   **objectives defined in the recipient's Indian Housing Plan; and**

23   **WHEREAS,**    **in order to qualify for a Title VI Guaranteed Loan, the borrower must pledge to**  
24                   **HUD, IHBG funds as security for repayment of the guaranteed obligation; and**

25   **WHEREAS,**    **to help reach its goals and objectives, as defined and set forth in the Nation's 2016**  
26                   **Indian Housing Plan, TOKA, as the Nation's TDHE, desires to apply for a Title VI**  
27                   **Guaranteed Loan to construct two housing projects, one in the San Miguel**  
28                   **Community in Chukut Kuk District known as TOKA Project 1007-SM-16 ("Project**  
29                   **1007-SM-16") and the other in the Gu Achi District, known as TOKA Project 1001-**  
30                   **GA-13 ("Project 1001-GA-13"), consisting of a total of 25 new single-family units for**  
31                   **low-income NAHASDA eligible families and 15 pads for future build out; and**

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1 **WHEREAS,** pursuant to TOKA Board of Directors Resolution No. 02-02-17, the TOKA Board of  
2 Directors authorized TOKA's application for a Title VI Guaranteed Loan funded  
3 by a private lender to assist with construction financing of Project 1007-SM-16  
4 and Project 1001-GA-13; and

5 **WHEREAS,** the Legislative Housing Committee recommends authorizing TOKA to apply for  
6 and enter into a Title VI Guaranteed Loan to assist with construction financing for  
7 Project 1007-SM-16 and Project 1001-GA-13.

8 **NOW, THEREFORE, BE IT RESOLVED** by the Tohono O'odham Legislative Council that it  
9 authorizes the TOKA to apply for and enter into a Title VI Guaranteed Loan from  
10 a private lender to assist with construction financing for Project 1007-SM-16 and  
11 Project 1001-GA-13 and to pledge to HUD, in accordance with the Nation's 2016  
12 Indian Housing Plan, a HUD-approved portion of TOKA's annual IHBG allocation,  
13 as security for the repayment of the guaranteed obligation; provided that nothing  
14 contained in this resolution shall be construed as a waiver of the sovereign  
15 immunity of the Nation.

16 **BE IT FURTHER RESOLVED** that the Tohono O'odham Legislative Council authorizes the  
17 chairman of the Nation to execute on behalf of the Nation any and all documents  
18 or instruments necessary to accomplish TOKA's Title VI Guaranteed Loan  
19 transaction and that may be required to implement the intent of this resolution.

20 **BE IT FURTHER RESOLVED** that the Tohono O'odham Legislative Council authorizes the  
21 executive director of TOKA to execute on behalf of TOKA any and all documents or  
22 instruments necessary to accomplish TOKA's Title VI Guaranteed Loan  
23 transaction and that may be required to implement the intent of this resolution.

24 **BE IT FINALLY RESOLVED** by the Tohono O'odham Legislative Council that under no  
25 circumstances shall the assets of the Nation be subjected to attachment to fulfill  
26 any debt or judgment arising from TOKA's Title VI Guaranteed Loan except as  
27 expressly authorized by Legislative Council resolution.

28 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 07<sup>TH</sup> day**  
29 **of APRIL, 2017 at a meeting at which a quorum was present with a vote of 3,021,4 FOR; -0-**  
30 **AGAINST; -0- NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the Council by**  
31 **Article VI, Section 1(c)(2) of the Constitution of the Tohono O'odham Nation, adopted by the**  
32 **Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**  
33 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**  
34 **18, 1934 (48 Stat.984).**  
35

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Guacinda J. Allen for:  
Timothy Joaquin, Legislative Chairman

11th day of April, 2017

ATTEST:

Evonne Wilson  
Evonne Wilson, Legislative Secretary

11 day of April, 2017

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 12 day of April, 2017 at 8:34 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

Guacinda J. Allen for:  
Timothy Joaquin, Legislative Chairman

APPROVED

on the 13th day of April, 2017

DISAPPROVED

at 2:39 o'clock, p .m.

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

Returned to the Legislative Secretary on the 13 day of

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

Evonne Wilson  
Evonne Wilson, Legislative Secretary

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**ACTION: AUTHORIZING TOKA TO APPLY AND ENTER INTO A HUD TITLE VI FEDERALLY GUARANTEED LOAN FOR THE CONSTRUCTION OF TRIBAL HOUSING PROJECTS IN THE CHUKUT KUK AND GU ACHI DISTRICTS**

**Moved: COUNCILWOMAN BARBARA HAVIER**

**SECOND: COUNCILWOMAN MONICA K. MORGAN**

**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
<b>TOTAL</b>		<b>3,021.4</b>	<b>3,021.4</b>	<b>-0-</b>	<b>-0-</b>	<b>[05]</b>