

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving a lease of land to the Tohono O'odham Nursing Care Authority)**

RESOLUTION NO. 02-358

1 **WHEREAS, by Resolution No. 98-512, the Legislative Council adopted the Charter of the Tohono**
2 **O'odham Nursing Care Authority as the entity of the Nation charged with operating**
3 **and maintaining the Nation's skilled nursing care facility; and**

4 **WHEREAS, by Resolution Nos. 96-173 and 99-409, the Legislative Council approved the selection**
5 **of a thirty acre site for the construction of the Nation's skilled nursing care facility;**
6 **and**

7 **WHEREAS, by Resolution No. 02-027, the Legislative Council directed the transfer of assets and**
8 **liabilities relating to the Nation's skilled nursing care facility from the Nation to the**
9 **Nursing Care Authority; and**

10 **WHEREAS, pursuant to Section 4.24.9 of the Nursing Care Authority Charter, the Legislative**
11 **Council must approve leases or subleases of real property by the Nursing Care**
12 **Authority; and**

13 **WHEREAS, the Nursing Care Authority proposes that no payment bond be required under the**
14 **lease because of the nominal rental proposed under the lease as a result of the public**
15 **nature of the purpose of the lease;**

16 **WHEREAS, pursuant to District Council Resolution 0702-308, the Gu Achi District (1) supports the**
17 **lease between the Nation and the Nursing Care Authority, including the nominal rent**
18 **and (2) requests that the Nation enter into discussions with the District regarding**
19 **receipt of an apportionment of any dividends declared by the Nursing Care Authority**
20 **in accordance with the Nursing Care Authority Charter section 7.4; and**

21 **WHEREAS, the Natural Resources Committee recommends approval of the Business Lease in the**
22 **form attached hereto.**

23 **NOW, THEREFORE, BE IT RESOLVED THAT:**

- 24 **1. The above-stated justification for the waiver of the payment bond is hereby**
25 **accepted.**
- 26 **2. The Business Lease in the form attached hereto is hereby approved.**
- 27 **3. The Nursing Care Authority, its employees, agents, representative, contractors,**
28 **and sub-contractors shall comply with all applicable laws of the Nation,**
29 **including but not limited to the Tribal Employment Rights Ordinance, in the**

RESOLUTION NO. 02-358

(Approving a lease of land to the Tohono O'odham Nursing Care Authority)

Page 2 of 3

1 performance of the duties and obligations under the Business Lease and in the
2 construction, operation and maintenance of improvements to the leased
3 premises.

4 4. The Nursing Care Authority Board shall include discussions with both the Nation
5 and the Gu Achi District in formulating its dividend distribution policy in the
6 event surplus profits are generated described in section 7.4 of the Authority's
7 Charter is hereby approved.

8 5. The Chairman of the Nation is authorized and directed to execute the approved
9 Business Lease and to take all necessary and reasonable steps for
10 implementation in accordance with this Resolution.

11 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08th. Day
12 of AUGUST, 2002 at a meeting at which a quorum was present with a vote of 1,753.75 FOR; 80.35
13 AGAINST; 583.4 NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by
14 Section 1 (f), 2(d) of Article VI and Article XVI of the Constitution of the Tohono O'Odham Nation,
15 adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy
16 Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act
17 of June 18, 1934 (48 Stat. 984).
18
19

20 TOHONO O'ODHAM LEGISLATIVE COUNCIL

21 Rita A. Martinez for
22 Rita A. Martinez, Legislative Chairwoman
23

24 14th day of August, 20 02
25
26
27
28

29 ATTEST:

30 Juliana Saraficio for
31 Julianna Saraficio, Acting Legislative Secretary
32

33 14th day of August, 20 02.
34
35

36 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham
37 Nation on the 14th day of August, 20 02 at 12:06 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.
41

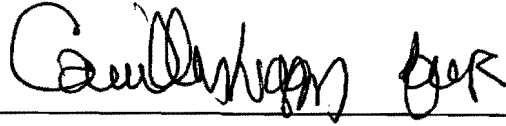
RESOLUTION NO. 02-358

(Approving a lease of land to the Tohono O'odham Nursing Care Authority)

Page 3 of 3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Rita A. Martinez, Legislative Chairwoman

APPROVED

on the 15th day of August, 20 02

DISAPPROVED

at 8:36 o'clock, A.M.




EDWARD D. MANUEL, Chairman

TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 15th day of

August, 20 02, at 9 o'clock, A.M.


Juliaanna Saraficio, Acting Legislative Secretary

ACTION: APPROVING A LEASE OF LAND TO THE TOHONO O'ODHAM NURSING CARE AUTHORITY

MOVED: COUNCILWOMAN FRANCES MIGUEL

SECOND: COUNCILMAN ALBERT MANUEL, JR.

DATE: AUGUST 08, 2002

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 317.7	1. FRANCES MIGUEL ()	158.85	X			
	2. FRANCES G. ANTONE (Lucilda Norris-Valenzuela)	158.85	X			X
CHUKUT KUK 248.1	1. KENNETH WILLIAMS (Juanita Homer)	124.05	X			
	2. DAVID GARCIA (Mary Audrey Juan)	124.05	X			
GU ACHI 230.7	1. CAMILLUS LOPEZ ()	115.35	X			
	2. ALEX J. RAMON (Jerome Joaquin)	115.35	X			
GU VO 188.3	1. FERN SALCIDO ()	94.15	X			X
	2. EMILIO LEWIS (Michael Flores)	94.15	X			
HICKIWAN 167.3	1. SHIRLEY MOLINA ()	83.65			X	
	2. SANDRA ORTEGA ()	83.65			X	
PISINEMO 174.7	1. BARBARA SALVICIO (Alex Antone)	87.35	X			
	2. PATRICIA CRUZ (Johnson Jose)	87.35	X			
SAN LUCY 160.7	1. ALBERT MANUEL, JR. (John W. Lawson, Sr.)	80.35	X			
	2. GLORIA RAMIREZ ()	80.35		X		
SAN XAVIER 184.7	1. FELICIA NUÑEZ ()	92.35	X			
	2. DENNIS RAMON ()	92.35	X			
SCHUK TOAK 144.5	1. MARY FLORES ()	72.25	X			
	2. AMBROSE ENCINAS** (Frances B. Conde(Francisco))	72.25	X			
SELLS 416.1	1. DENNIS E. JOSE ()	208.05			X	
	2. EVELYN JUAN** ()	208.05			X	
SIF OIDAK 184.7	1. ISIDRO LOPEZ ()	92.35	X			
	2. RITA MARTINEZ (Nicholas Jose)	92.35	X			X
TOTAL		2,417.5	1,753.75	80.35	583.4	[03]

**PASSED VOTES