

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing the Economic Development Authority to Enter into a Business Lease
with the Tohono O'odham Nation with respect to the Sells Shopping Center and
Approving an Agreement for Transfer of Assets and Assumption of Liabilities
Relating to the Shopping Center)

RESOLUTION NO. 06-353

- 1 **WHEREAS, by Resolution No. 01-141, the Tohono O'odham Legislative Council formed the**
2 **Economic Development Authority of the Tohono O'odham Nation ("EDA") and**
3 **adopted and approved the Charter and Plan of Operation, pursuant to Article VI,**
4 **Section 1(e) of the Constitution of the Tohono O'odham Nation; and**
- 5 **WHEREAS, by Resolution No. 06-092, the Tohono O'odham Legislative Council authorized and**
6 **approved an amended and restated Charter for EDA; and**
- 7 **WHEREAS, by Resolution No. 07-79, the Sells District Council did on October 26, 1979 approve**
8 **and recommend the development of a shopping and recreation center described**
9 **in a master plan by the Papago Planning Department, to be located on a project site**
10 **consisting of 12.41 acres of land within the BIA "Agency Reserve" in Sells, Arizona;**
11 **and**
- 12 **WHEREAS, by Resolution No. 8-80, the Papago Council approved the development of a shopping**
13 **and recreation center in Sells, Arizona and further approved the use of land within**
14 **the BIA "Agency Reserve" for the location and construction as the highest and best**
15 **use of such land; and**
- 16 **WHEREAS, by Resolution No. 690-85, the Papago Council acknowledged that the Sells Shopping**
17 **Center (the "Shopping Center"), occupying approximately 6.75 acres of land, was**
18 **substantially completed and ready for tenant occupancy; and**
- 19 **WHEREAS, by Resolution No. 98-453, the Tohono O'odham Legislative Council delegated the**
20 **authority to negotiate, enter into, and enforce leases and any amendments thereto**
21 **for the Shopping Center to the Chairperson of the Nation and to the Planning &**
22 **Economic Development Office; and**
- 23 **WHEREAS, the Executive Branch, the Tohono O'odham Legislative Council, the Sells District,**
24 **the Sells District Communities of Big Field, Cowlic, No:lig and Sells and the current**
25 **tenants of the Shopping Center reviewed the 2005 Concept Plan pertaining to the**
26 **renovation and expansion of the Shopping Center developed by EDA; and**

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1 **WHEREAS, the Commerce Committee of the Tohono O'odham Legislative Council, designated**
2 **as the Oversight Committee for EDA, has reviewed the proposed Business Lease**
3 **between the Nation and EDA relating to the Shopping Center and supports approval**
4 **of the Business Lease attached hereto as Exhibit "A"; and**

5 **WHEREAS, the Commerce Committee of the Tohono O'odham Legislative Council, has also**
6 **reviewed the Agreement for Transfer of Assets and Assumption of Liabilities (the**
7 **"Transfer Agreement") between the Nation and EDA relating to the transfer of assets**
8 **at and related to the Shopping Center and related liabilities to the EDA and**
9 **supports approval of the Transfer Agreement attached hereto as Exhibit "B"; and**

10 **WHEREAS, the Tohono O'odham Legislative Council has considered the Business Lease**
11 **attached hereto as Exhibit "A" and finds that it is in the best interest of the Nation**
12 **to authorize, approve and execute such Business Lease; and**

13 **WHEREAS, the Tohono O'odham Legislative Council has considered the Transfer Agreement**
14 **attached hereto as Exhibit "B" and finds that it is in the best interest of the Nation**
15 **to authorize, approve and execute the Agreement.**

16 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**
17 **Business Lease by and between the Nation and EDA pursuant to which EDA shall**
18 **lease the approximate 6.75 acres of the Nation's trust land located within the Sells**
19 **District, including all improvements thereon, commonly known as the Sells**
20 **Shopping Center for a term of twenty-five (25) years, subject to the terms of the**
21 **Business Lease.**

22 **BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council approves the Agreement**
23 **for Transfer of Assets and Assumption of Liabilities by and between the Nation and**
24 **EDA pursuant to which the Nation shall transfer assets referenced therein to the**
25 **EDA and the EDA will assume liabilities referenced therein at and related to the**
26 **Sells Shopping Center and related liabilities thereto, subject to the terms of the**
27 **Agreement for Transfer of Assets and Assumption of Liabilities.**

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1 **BEIT FINALLY RESOLVED that the Chairwoman of the Nation is authorized and directed to execute**
2 **the Business Lease, the Agreement for Transfer of Assets and Assumption of**
3 **Liabilities, and such other documents as referenced in the Lease and Agreement**
4 **and attached thereto as Exhibits and to take such other and further action**
5 **consistent with this Resolution.**

6
7 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 07TH of**
8 **JUNE, 2006 at a meeting at which a quorum was present with a vote of 1,507.9 FOR; 324.4**
9 **AGAINST; 608.5 NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by**
10 **Section 1 (f) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono**
11 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
12 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
13 **Stat. 984).**

14 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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19 **Evelyn B. Juan Manuel, Legislative Chairwoman**

20 12 day of June, 2006

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22 **ATTEST:**

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26 **Lucille Lopez, Acting Legislative Secretary**

27 07 day of June, 2006.

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30 **Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono**
31 **O'Odham Nation on the 12 day of June, 2006 at 5:00 o'clock, 7 .M.,**
32 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**
33 **upon her approval or upon her failure to either approve or disapprove it within 48 hours of**
34 **submittal.**

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36 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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40 **Evelyn B. Juan Manuel, Legislative Chairwoman**

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APPROVED

on the 12 day of June, 2006

DISAPPROVED

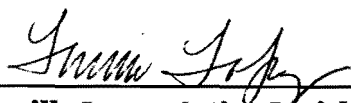
at 6:18 o'clock, P.M.



**VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 13 day of

June, 2006, at 9:34 o'clock, A.M.



Lucille Lopez, Acting Legislative Secretary

ACTION: AUTHORIZING THE ECONOMIC DEVELOPMENT AUTHORITY TO ENTER INTO A BUSINESS LEASE WITH THE TOHONO O'ODHAM NATION WITH RESPECT TO THE SELLS SHOPPING CENTER AND APPROVING AN AGREEMENT FOR TRANSFER OF ASSETS AND ASSUMPTION OF LIABILITIES RELATING TO THE SHOPPING CENTER

MOVED: COUNCILWOMAN MARLENE SARAFICIO

SECOND: VICE CHAIRMAN VERLON JOSE

DATE: JUNE 07, 2006

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 310.8	1. FRANCES MIGUEL (<i>Absent</i>) (Vernon J. Smith) (<i>Present</i>)	155.40	X			
	2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris))	155.40		X		
CHUKUT KUK 258.7	1. ETHEL GARCIA ()	129.35	X			
	2. VERLON M. JOSE (David Garcia)	129.35	X			
GU ACHI 221.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80			X	
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80			X	
GU VO 193.1	1. RAYMOND VICTOR ()	96.55			X	
	2. MICHAEL FLORES (Grace Manuel)	96.55			X	X
HICKIWAN 167.4	1. DELMA GARCIA (Mary E. Sam)	83.70	X			
	2. SANDRA ORTEGA ()	83.70	X			
PISINEMO 171.8	1. BARBARA SALVICIO ()	85.90	X			
	2. GERALD FAYUANT ()	85.90	X			
SAN LUCY 169.0	1. JOHN W. LAWSON, SR. ()	84.50		X		
	2. GLORIA RAMIREZ ()	84.50		X		
SAN XAVIER 193.8	1. FELICIA NUÑEZ ()	96.90			X	
	2. OLIVIA VILLEGAS-LISTON** (Eileen A. Estrada-Lopez)	96.90			X	
SCHUK TOAK 146.9	1. FRANCES B. CONDE ()	73.45	X			
	2. PHYLLIS JUAN ()	73.45	X			
SELLS 421.0	1. MARLENE SARAFICIO-JUAN ()	210.50	X			
	2. EVELYN B. JUAN MANUEL (Kimberly Listo)	210.50	X			
SIF Oidak 186.7	1. WAVALENE SAUNDERS (Isidro Lopez)	93.35	X			X
	2. DARLENE ANDREW (Rita Martinez)	93.35	X			
TOTAL		2,440.8	1,507.9	324.4	608.5	[02]

**PASSED VOTES