

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Lease to Mary A. Garcia for Pisinemo Trading Post and Donating Existing Buildings)

RESOLUTION NO. 07-246

1 **WHEREAS, since 1974 the Tohono O'odham Nation ("Nation") leased land to the Robinette family**
2 **for the Pisinemo Trading Post, including the December 1994 lease to Travis Robinette**
3 **which expired on November 30, 2004, at which time the Robinette family vacated the**
4 **premises; and**

5 **WHEREAS, on December 1, 2004, under the terms of the lease, the buildings which had been**
6 **constructed by the Robinette family became the property of the Nation; and**

7 **WHEREAS, Pisinemo District ("District") notified the Nation that the District desired that the**
8 **store continue to operate, in part because it housed a United States Post Office which**
9 **Pisinemo community relied upon; and**

10 **WHEREAS, in November 2004 Mary A. Garcia purchased the store contents and fixtures from**
11 **the Robinette family and presented a proposal to the District and the Nation to**
12 **continue to operate the store and post office, subject to the willingness of the Nation**
13 **to lease the land and the buildings to her; and**

14 **WHEREAS, on November 23, 2004 the Nation's Realty Office provided Mary A. Garcia a letter**
15 **authorizing her to occupy the buildings and to operate the store and post office until**
16 **a lease from the Nation could be finalized; and**

17 **WHEREAS, in 2005 the Nation's facilities management department performed an inspection**
18 **of the buildings and advised that the Pisinemo Trading Post building was in bad**
19 **condition, would be expensive to repair, and should simply be condemned; and**

20 **WHEREAS, in 2005 and 2006 the Nation discussed several options with the District and Mary A.**
21 **Garcia to allow the store and post office to continue in operation, but the lease to Mary**
22 **A. Garcia was never completed; and**

23 **WHEREAS, in January 2007 Mary A. Garcia presented a proposal to the Nation which proposed**
24 **that, if the Nation would transfer ownership of the buildings to her, Mary A. Garcia**
25 **would, over time, demolish and rebuild the store building and the residence at her**
26 **own expense; and**

27 **WHEREAS, after considering the proposal, the Natural Resources Committee recommends that**
28 **the Nation transfer ownership of the store and residence buildings to Mary A. Garcia**

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1 **and allow her to demolish and rebuild the store and residence buildings at her own**
2 **expense, and recommends that the Nation lease the land to her for ten years, with an**
3 **option to renew for an additional five years after an opportunity to renegotiate the**
4 **rental price; and**

5 **WHEREAS, the lease to Mary A. Garcia provides for the first two years at \$1.00 per year rental**
6 **payment, and in year three through year ten payment of \$1,200.00 per year to the**
7 **Treasurer of the Nation, for the benefit of Pisinemo District; and**

8 **WHEREAS, the Robinette lease had also provided for rental revenues to go to Pisinemo District;**
9 **and**

10 **WHEREAS, because Pisinemo District has plans to pave a dirt road on the east side of the**
11 **Trading Post property, the eastern and western boundaries of the property need to be**
12 **moved 30 feet to the west, which is agreeable to Mary A. Garcia.**

13 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council:**

- 14 **1. Hereby donates the Pisinemo Trading Post store and residence buildings to Mary**
15 **A. Garcia, effective as of the effective date of this resolution, along with any liability**
16 **from use of the buildings which may arise after the effective date of this resolution,**
17 **so that she can, over time, demolish and rebuild them as a trading post;**
- 18 **2. Agrees that the Nation will move the boundary fence 30 feet to the west on the**
19 **eastern and western boundaries, in accordance with the property description**
20 **incorporated into the lease which is attached hereto;**
- 21 **3. Approves the Business Lease for 0.971 acres of land substantially in the form**
22 **attached hereto, which provides for two years of rent at \$1.00 per year, followed by**
23 **an annual rent of \$1,200.00 per year for the remaining eight years of the term, at**
24 **which time the rent may be renegotiated by the parties for an additional term of**
25 **five years;**
- 26 **4. Agrees that the rental revenues will go to Pisinemo District;**
- 27 **5. Agrees that the Nation waives the right to any performance or payment bond**
28 **required by the federal regulations; and**
- 29 **6. Authorizes the Chairperson of the Nation to execute the lease and to provide any**

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other documentation necessary to obtain approval of the lease by the Bureau of Indian Affairs.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 07TH Day of MAY, 2007 at a meeting at which a quorum was present with a vote of 1,788.4 FOR; -0- AGAINST; 652.4 NOT VOTING; and 06 ABSENT, pursuant to the powers vested in the Council by Section 1 (i) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL


Verlon M. Jose, Legislative Chairman

14 day of May, 2007

ATTEST:


Lucille Lopez, Acting Legislative Secretary

07 day of May, 2007.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 14 day of May, 2007 at 2:47 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon her approval or upon her failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

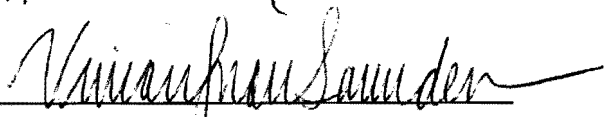

Verlon M. Jose, Legislative Chairman

APPROVED

on the 15 day of May, 2007

DISAPPROVED

at 11:39 o'clock, A.M.


VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

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Returned to the Legislative Secretary on the 15 day of

May, 2007, at 12:05 o'clock, P.M.



Lucille Lopez, Acting Legislative Secretary

ACTION: APPROVING LEASE TO MARY A. GARCIA FOR PISINEMO TRADING POST AND DONATING EXISTING BUILDINGS

MOVED: COUNCILWOMAN FRANCES ANTONE

SECOND: COUNCILWOMAN FRANCES MIGUEL

DATE: MAY 07, 2007

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 310.8	1. FRANCES MIGUEL (Vernon J. Smith)	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			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. SHIRLEY SANTOS-MOLINA ()	83.70	X			
	2. SANDRA ORTEGA ()	83.70	X			X
PISINEMO 171.8	1. BARBARA SALVICIO ()	85.90	X			
	2. GERALD FAYUANT ()	85.90	X			
SAN LUCY 169.0	1. LORRAINE EILER ()	84.50	X			
	2. GLORIA RAMIREZ ()	84.50			X	
SAN XAVIER 193.8	1. FELICIA NUÑEZ ()	96.90	X			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	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 ROMERO (Isidro Lopez)	93.35	X			
	2. DARLENE ANDREW (Rita Wilson)	93.35	X			X
TOTAL		2,440.80	1,788.4	-0-	652.4	[06]

**PASSED VOTES