

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Lease Agreement with DVA Renal Healthcare, Inc.)

RESOLUTION NO. 07-296

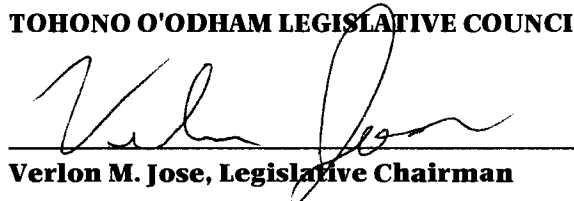
- 1 **WHEREAS, the Tohono O'odham experience diabetes at an unusually high rate; and**
- 2 **WHEREAS, the dialysis treatment available at the Sells hospital has for many years been**
3 **inadequate to serve the needs of O'odham diabetes patients, forcing O'odham patients**
4 **to seek dialysis treatment off the reservation in Tucson, Casa Grande, and other**
5 **places; and**
- 6 **WHEREAS, to meet the need for dialysis treatment, the Tohono O'odham Nation ("Nation") has**
7 **constructed a 40 station dialysis center in Sells and plans to lease the building to DVA**
8 **Renal Healthcare, Inc., a corporate unit of Davita, to operate for a term of ten years,**
9 **with an option to renew the lease for three additional terms of five years each, for a**
10 **total term of twenty-five years; and**
- 11 **WHEREAS, the rental rate agreed upon is \$1.17 per rentable square foot, and will be in place for**
12 **the ten year primary term, and may be increased for the subsequent five year option**
13 **terms in accordance with the increase in the consumer price index; and**
- 14 **WHEREAS, DVA Renal Healthcare, Inc., will operate 20 stations at the opening of the facility, and**
15 **will expand to utilize additional stations as demand for dialysis treatment expands;**
16 **and**
- 17 **WHEREAS, the Nation is the owner of the building and will be responsible for maintenance and**
18 **repairs of the building and surrounding common facilities; and**
- 19 **WHEREAS, it is in the best interests of the Nation to set aside the revenues from lease payments**
20 **in a dedicated revenue account to provide funds for repairs and maintenance and**
21 **related staff and supplies in the future; and**
- 22 **WHEREAS, this is a lease of a building and not of restricted Indian land, and therefore the lease**
23 **does not require approval by the Bureau of Indian Affairs; and**
- 24 **WHEREAS, the Health and Human Services Committee, the Commerce Committee, and the**
25 **Natural Resources Committee have reviewed the lease and recommend approval by**
26 **the Legislative Council.**
- 27 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby:**
- 28 **1. Approves the Lease Agreement Between the Tohono O'odham Nation and DVA**
29 **Renal Healthcare, Inc., substantially in the form attached hereto, and authorizes**
30 **the Chairperson of the Nation to execute it.**

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2. Directs the relevant departments of the Executive Branch to establish a dedicated revenue account and to deposit all lease revenues from this lease into the account for expenditure on repairs and maintenance of the building and surrounding common facilities, including related staff, supplies, and equipment, pursuant to budgets approved by the Legislative Council; any interest on such funds to be pooled with the general funds of the Nation.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 21ST. Day of MAY, 2007 at a meeting at which a quorum was present with a vote of 2,356.3 FOR; -0-AGAINST; 84.5 NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by Section 1 (d)(2)&(f) 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

21 day of May, 2007

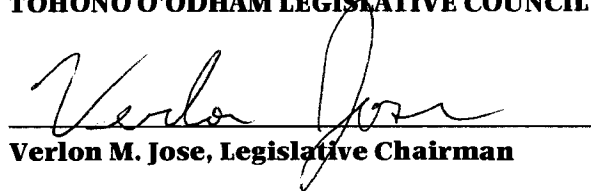
ATTEST:


Lucille Lopez, Acting Legislative Secretary

21 day of May, 2007.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 22 day of May, 2007 at 2:55 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

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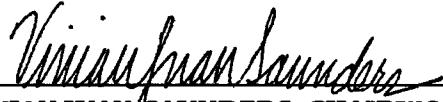
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APPROVED

on the 22 day of May, 2007

DISAPPROVED

at 3:56 o'clock, P.M.



VIVIAN JUAN SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 22 day of

May, 2007, at 4:20 o'clock, P.M.



Lucille Lopez, Acting Legislative Secretary

ACTION: APPROVING LEASE AGREEMENT WITH DVA RENAL HEALTHCARE, INC.

MOVED: COUNCILWOMAN SANDRA ORTEGA

SECOND: COUNCILWOMAN PHYLLIS JUAN

DATE: MAY 21, 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			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			X
GU VO 193.1	1. RAYMOND VICTOR ()	96.55	X			
	2. MICHAEL FLORES (Grace Manuel)	96.55	X			
HICKIWAN 167.4	1. SHIRLEY SANTOS-MOLINA ()	83.70	X			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. LORRAINE EILER ()	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 ROMERO (Isidro Lopez)	93.35	X			
	2. DARLENE ANDREW (Rita Wilson)	93.35	X			
TOTAL		2,440.80	2,356.3	-0-	84.5	[03]

**PASSED VOTES