

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving a Land Lease for Educational Purposes Between Schuk Toak District
and the Tohono O'odham Community College)**

RESOLUTION NO. 08-043

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to enact laws "to**
2 **promote, protect, and provide for public health, peace, morale, education and**
3 **general welfare of the Tohono O'odham Nation and its members" (Article VI, Section**
4 **1(c)(2), of the Constitution of the Tohono O'odham Nation); and**

5 **WHEREAS, by Resolution No. 98-006, the Tohono O'odham Nation approved Ordinance No. 98-01**
6 **enacting the Charter and establishment of Tohono O'odham Community College**
7 **(TOCC) in January 1998; and**

8 **WHEREAS, a Board of Trustees was appointed; and**

9 **WHEREAS, by Resolution No. 98-006 and Resolution No. 98-328 the Tohono O'odham Nation**
10 **approved the establishment of Tohono O'odham Community College (TOCC) in 1998;**
11 **and**

12 **WHEREAS, the TOCC is located in temporary facilities on the Indian Oasis-Baboquivari School**
13 **District campus in Sells; and**

14 **WHEREAS, the current facilities are inadequate in terms of the following:**

15 **Classrooms to accommodate projected enrollment**

- 16 **• Science Labs**
- 17 **• Parking**
- 18 **• Daycare**
- 19 **• Dormitories**
- 20 **• Cafeteria**
- 21 **• Library; and**

22 **WHEREAS, a permanent campus is required for accreditation by the North Central**
23 **Association/Higher Learning Commission; and**

24 **WHEREAS, the Schuk Toak District Council designated 32 acres of land within the District's**
25 **economic corridor located on the north side of Highway 86 near milepost 126 for**
26 **construction of the Tohono O'odham Community College main campus; and**

27 **WHEREAS, by Resolution No. 04-282 the Tohono O'odham Legislative Council approved setting**
28 **aside \$6,000,000 to fund the first phase of construction for Tohono O'odham**
29 **Community College's permanent campus and satellite center in Schuk Toak District**
30 **and Pisinemo District, respectively; and**

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- 1 **WHEREAS, given the continued interest by Schuk Toak District in having the TOCC main campus**
2 **located within its boundaries, the TOCC Board of Trustees has also recommended**
3 **that the College establish the main campus at this location to serve Tohono O'odham**
4 **Nation members of the Tohono O'odham Nation; and**
- 5 **WHEREAS, the Constitution of the Tohono O'odham Nation provides, in Article XVI, Section 5,**
6 **that districts of the Nation may lease lands of the Nation which are not under use,**
7 **permit, lease or other disposition authorized by the Tohono O'odham Legislative**
8 **Council, provided that such leases must divide the proceeds of the lease one-half to**
9 **the Nation and one-half to the District; and**
- 10 **WHEREAS, Schuk Toak District and TOCC have negotiated a land lease for the 32 acres for the**
11 **nominal rental fee of \$1.00 per year, intending that there not be any lease proceeds**
12 **which must be divided equally between the Nation and the District; and**
- 13 **WHEREAS, any payments which TOCC chooses to make to Schuk Toak District to defray the costs**
14 **which the District may incur in hosting the main campus within the District may be**
15 **arranged by other agreement between the parties; and**
- 16 **WHEREAS, Article XVI, Section 5, also provides that leases by districts to non-members, such as**
17 **the TOCC, are subject to the approval of the Tohono O'odham Legislative Council; and**
- 18 **WHEREAS, the 32 acres identified for the main campus of TOCC in Schuk Toak District are lands**
19 **not under use, permit, lease or other disposition authorized by the Tohono O'odham**
20 **Legislative Council, and are therefore available for lease by Schuk Toak District.**
- 21 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**
22 **Twenty-Five Year Land Lease for Educational Purposes between Schuk Toak District**
23 **and TOCC substantially in the form attached hereto, and authorizes the Chairperson**
24 **of the Nation to sign an approval line on the Lease to indicate the Nation's approval**
25 **of the lease terms.**

26
27 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 04TH. Day**
28 **of FEBRUARY, 2008 at a meeting at which a quorum was present with a vote of 2,269.7 FOR; -0-**
29 **AGAINST; -0- NOT VOTING; and 264.8 [05] ABSENT, pursuant to the powers vested in the Council by**
30 **Section 5 of Article XVI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono**
31 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
32 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
33 **Stat. 984).**
34

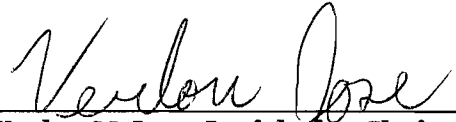
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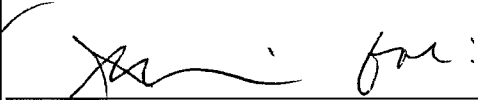
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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Verlon M. Jose, Legislative Chairman
15 day of February, 2008

ATTEST:


Lucille Lopez, Acting Legislative Secretary
15 day of February, 2008.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 15 day of February, 2008 at 4:18 o'clock, P.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


Verlon M. Jose, Legislative Chairman

APPROVED


on the 19 day of February, 2008

DISAPPROVED

at 6:00 o'clock, P.M.


NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 20 day of February, 2008, at 9:07 o'clock, A.M.


Lucille Lopez, Acting Legislative Secretary

ACTION: APPROVING A LAND LEASE FOR EDUCATIONAL PURPOSES BETWEEN SCHUK TOAK DISTRICT AND THE TOHONO O'ODHAM COMMUNITY COLLEGE

MOVED: COUNCILWOMAN PHYLLIS CACHORA

SECOND: COUNCILMAN TIMOTHY JOAQUIN

DATE: FEBRUARY 04, 2008

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			
	2. FRANCES G. ANTONE (Vernon Smith)	158.45	X			
CHUKUT KUK 264.8	1. ETHEL GARCIA ()	132.40				X
	2. VERLON M. JOSE ()	132.40				X
GU ACHI 227.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ()	113.95	X			
GU VO 199.2	1. GRACE MANUEL ()	99.60	X			
	2. MICHAEL FLORES ()	99.60	X			X
HICKIWAN 172.0	1. MICHELLE ORTEGA ()	86.00	X			
	2. SANDRA ORTEGA ()	86.00	X			X
PISINEMO 182.4	1. CHESTER ANTONE ()	91.20	X			
	2. GERALD FAYUANT ()	91.20	X			
SAN LUCY 181.1	1. LORRAINE EILER ()	90.55	X			
	2. GLORIA RAMIREZ ()	90.55	X			X
SAN XAVIER 196.5	1. FELICIA NUÑEZ (Adam P. Andrews)	98.25	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25	X			
SCHUK TOAK 154.6	1. FRANCES B. CONDE (<i>Absent</i>) (Frederick Jose) (<i>Present</i>)	77.30	X			
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
SELLS 444.7	1. KIMBERLY LISTO ()	222.35	X			
	2. EVELYN B. JUAN MANUEL ()	222.35	X			
SIF OIDAK 194.4	1. WAVALENE ROMERO ()	97.20	X			
	2. MARY LOPEZ ()	97.20	X			
TOTAL		2,534.5	2,269.7	-0-	-0-	264.8 [05]

**PASSED VOTES