

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing the Tohono O'odham Nation to Apply for FY 2010 ICDBG Funds and
Authorizing the Chairperson of the Nation to Execute Grant Agreements)**

RESOLUTION NO. 10-435

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

5 **WHEREAS, the Tohono O'odham Nation (the "Nation") has a continuing commitment to enhance**
6 **the quality of life for aging O'odham and a constant concern due to the lack of**
7 **available housing, skilled nursing and service programs required to meet the growing**
8 **needs of the aging O'odham population; and**

9 **WHEREAS, the Nation is authorized to apply for grants and has identified a grant opportunity**
10 **from the federal Department of Housing and Urban Development ("HUD") through the**
11 **Indian Community Development Block Grant program ("ICDBG"); and**

12 **WHEREAS, HUD's Notice of Funding Availability ("NOFA") for ICDBG grants was posted on August**
13 **24, 2010 and, based upon the Nation's on-Reservation population, the Nation is eligible**
14 **to apply for competitive funding in an amount not to exceed \$2.75 million; and**

15 **WHEREAS, eligible applicants for ICDBG funds include tribes and tribal organizations so long as**
16 **only one applicant from a tribe applies in any one year; and**

17 **WHEREAS, the Nation met with representatives from the Tohono O'odham Nursing Care Authority**
18 **("TONCA"), Tohono O'odham Ki:Ki Association ("TOKA") and the San Xavier District**
19 **who have expressed a joint interest in using any ICDBG monies awarded to the Nation**
20 **to fund their on-going projects integral to enhancing the quality of life for aging**
21 **O'odham; and**

22 **WHEREAS, HUD's NOFA requires the Nation to meet certain citizen participation requirements,**
23 **set forth in 24 CFR 1003.604, by publishing or posting information on the Nation's**
24 **plans to use such ICDBG funds and by accepting comments; and**

25 **WHEREAS, in compliance with the requirements, including notice provisions of 24 CFR 1003.604,**
26 **the Nation provided tribal members the opportunity to examine and appraise the**
27 **applicant's application for funds by noticing and holding a public forum on October**
28 **6, 2010 for the purposes of providing information regarding the amount of funds**
29 **available, presenting information regarding each of the proposed projects and**
30 **receiving views and comments from tribal members on community development,**

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1 **housing needs and the proposed projects; and according to the citizen participation**
2 **requirements of 24 CFR 1003.604; and**

3 **WHEREAS, the NOFA requires the applicant to provide a copy of a Code of Conduct that complies**
4 **with HUD regulations; and**

5 **WHEREAS, the Nation has prepared a Code of Conduct for HUD Grant Programs that is consistent**
6 **with the HUD requirements; and**

7 **WHEREAS, the Nation has prepared an application to HUD for funding under the Fiscal Year 2010**
8 **ICDBG program which proposes to address the needs of aging O'odham through the**
9 **implementation of a coordinated Public Service and Improvement Project, the Elderly**
10 **Consortium Project ("ECP") which will be conducted in partnership with three sub-**
11 **applicants, each responsible for administering a stand-alone component of the ECP:**
12 **(1) TONCA - renovation of the Archie Hendricks Sr. Skilled Nursing Facility, (2) the San**
13 **Xavier District -- rehabilitation of the District's Elderly Center, and (3) TOKA - an**
14 **infrastructure improvement project which will allow construction of a 14-unit elderly**
15 **rental housing project. A draft of the application is attached hereto as Exhibit "A;" and**

16 **WHEREAS, it is in the Nation's best interest that all construction resulting from the ICDBG grant**
17 **be of high quality and conform to contemporary building standards; and**

18 **WHEREAS, the Nation as applicant and the three proposed sub-applicants met in a joint meeting**
19 **on September 29, 2010 with the following Committees of the Legislative Council: the**
20 **Commerce Committee, the Budget & Finance Committee, the Health & Human**
21 **Services Committee and the Housing Committee which Committees moved the**
22 **resolution and application to the Legislative Council for its consideration.**

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

- 24 **1. The Nation is hereby authorized to apply for FY 2010 ICDBG program funding**
25 **consistent with the application attached hereto as Exhibit "A."**
26 **2. The Chairperson of the Nation is authorized and directed to execute the grant**
27 **application and to timely execute any and all such grant agreements or contracts**
28 **required by HUD related to the FY 2010 ICDBG grant application, to accept the**
29 **funds, and to administer the grant in accordance with the terms of the application**
30 **and HUD regulations.**

31 **BE IT FURTHER RESOLVED that authority for the Nation to distribute funding to grant sub-**
32 **applicants shall be subject to approval by future resolution of the Legislative Council;**

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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 19th day of October, 2010 at 10:37 o'clock, a .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

Felicia Nunez for
Verlon M. Jose, Legislative Chairman

APPROVED

on the 21 day of October, 2010

DISAPPROVED

at 9:00 o'clock, A .M.

[Signature]
NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION
VICE CHAIRMAN

Returned to the Legislative Secretary on the 21 day of

October, 2010, at 9:11 o'clock, a .M.

[Signature]
Evonne Wilson, Legislative Secretary

ACTION: AUTHORIZING THE TOHONO O'ODHAM NATION TO APPLY FOR FY 2010 ICDBG FUNDS AND AUTHORIZING THE CHAIRPERSON OF THE NATION TO EXECUTE GRANT AGREEMENTS

MOVED: COUNCILWOMAN OLIVIA VILLEGAS-LISTON

SECOND: COUNCILWOMAN FRANCES MIGUEL

DATE: OCTOBER 15, 2010

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 198.7	1. WAVALENE ROMERO (Nicholas Jose)	99.35	X			
	2. MARY LOPEZ ()	99.35	X			
SELLS 449.6	1. KIMBERLY LISTO ()	224.80	X			
	2. EVELYN B. JUAN MANUEL ()	224.80	X			
SCHUK TOAK 159.0	1. FRANCES B. CONDE (Fredrick Jose)	79.50	X			
	2. LINDA PARLEY (Agnes Joaquin)	79.50	X			
SAN XAVIER 204.7	1. FELICIA NUÑEZ ()	102.35	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	102.35	X			
SAN LUCY 187.1	1. LORRAINE EILER ()	93.55	X			
	2. GLORIA RAMIREZ ()	93.55	X			
PISINEMO 184.5	1. CHESTER ANTONE (Tony Murrietta)	92.25	X			
	2. EDWARD MANUEL (Gerald Fayuant)	92.25	X			
HICKIWAN 174.5	1. MICHELLE ORTEGA ()	87.25	X			X
	2. SANDRA ORTEGA ()	87.25	X			
GU VO 206.3	1. GRACE MANUEL ()	103.15	X			
	2. PAMELA ANGHILL (Angela Ortiz)	103.15	X			
GU ACHI 230.1	1. TIMOTHY L. JOAQUIN ()	115.05	X			
	2. CYNTHIA E. MANUEL <i>(Absent)</i> (Louis J. Johnson) <i>(Present)</i>	115.05	X			
CHUKUT KUK 277.0	1. ETHEL GARCIA <i>(Present)</i> (Sara Mae Williams) <i>(Absent)</i>	138.50	X			
	2. VERLON M. JOSE ()	138.50	X			X
BABOQUIVARI 324.0	1. FRANCES MIGUEL (Roberta Harvey)	162.0	X			
	2. FRANCES G. ANTONE <i>(Absent)</i> (Vernon Smith) <i>(Present)</i>	162.0	X			
TOTAL		2,595.50	2,595.50	-0-	-0-	[02]