

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving Termination of the Tohono O'odham Nation and Tohono O'odham Ki:Ki Association Leases for TOKA Housing Projects Arizona 26-12 and 26-16, Repealing Resolution No. 14-103, and Approving New 50 Year Leases with the Tohono O'odham Ki:Ki Association for TOKA Housing Projects Arizona 26-12 and 26-16)**

**RESOLUTION NO. 15-135**

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation ("Nation") vests the Legislative  
2 Council ("TOLC") with the power to enact laws "to promote, protect and provide  
3 for public health, peace, morals, education and general welfare of the Tohono  
4 O'odham Nation and its members" and to enact laws "governing the use,  
5 assignment, permit, lease or other disposition of lands, interests in land and  
6 resources of the nation consistent with Federal law" (Constitution, Article VI,  
7 Section 1(c)(2) and Article XVI, Section 1); and

8 **WHEREAS,** pursuant to Ordinance 98-03 duly enacted by the TOLC on June 29, 1998, as  
9 amended by TOLC Resolution No. 02-089 and TOLC Resolution No. 02-110  
10 (collectively, "Ordinance 98-03"), the Tohono O'odham Ki:Ki Association  
11 ("TOKA") is the successor-in-interest of the Papago Housing Authority and the  
12 tribally designated housing entity ("TDHE") of the Tohono O'odham Nation  
13 ("Nation") to administer United States Housing and Urban Development ("HUD")  
14 block grant funds pursuant to the Native American Housing Assistance and Self-  
15 Determination Act of 1996, § 2 U.S.C. § 4101, et seq., P.L. 104-330, 110 Stat. 4106  
16 ("NAHASDA") and operate and develop low income housing for the Nation and its  
17 members; and

18 **WHEREAS,** the Papago Council (now the TOLC) of the Papago Reservation, Arizona (now the  
19 Nation) and the Papago Housing Authority (now the TOKA) entered into that  
20 certain Lease dated October 23, 1971, for Arizona 26-12 Project, consisting of 1 -  
21 50 home sites/residential housing units on a parcel of the Nation's land located  
22 in the Sells District (the "1971 Lease"), as legally described in the 1971 Lease, a  
23 copy of which is attached hereto and incorporated by this reference as Exhibit A;  
24 and

25 **WHEREAS,** the 1971 Lease was for an initial term of 25 years with an automatic renewal for  
26 an additional 25 years and will expire on October 23, 2021; and

27 **WHEREAS,** additionally, the Papago Council (now the TOLC) of the Papago Reservation,  
28 Arizona (now the Nation) and the Papago Housing Authority (now the TOKA)  
29 entered into that certain Lease dated September 25, 1978, for the Arizona 26-16  
30 Project, consisting of a tribal housing authority administration building on a  
31 parcel of the Nation's land located in the Sells District (the "1978 Lease"), as

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1                   legally described in the 1978 Lease, a copy of which is attached hereto and  
2                   incorporated by this reference as **Exhibit B**; and  
3 **WHEREAS,**       the 1978 Lease was for an initial term of 25 years with an automatic option to  
4                   renew for an additional 25 years and will expire on September 25, 2028; and  
5 **WHEREAS,**       the TOKA applied for and was awarded an allocation of Low Income Housing Tax  
6                   Credits ("LIHTC") from the Arizona Department of Housing ("ADOH") for the  
7                   renovation and rehabilitation of the existing residential housing units on the  
8                   property leased by TOKA pursuant to the 1971 Lease (the "2014 LIHTC Project");  
9                   and  
10 **WHEREAS,**       TOKA's 2014 LIHTC Project also included the TOKA administration building  
11                   located on the property leased by TOKA pursuant to the 1978 Lease; and  
12 **WHEREAS,**       the ADOH LIHTC program and applicable federal tax laws require that TOKA  
13                   maintain site control of the 2014 LIHTC Project properties for a period of 50  
14                   years; and  
15 **WHEREAS,**       as a result, on March 26, 2014, the TOKA presented to the Legislative Council a  
16                   request for a fifty-year extension of the 1971 Lease, 1978 Lease, and 1982 Lease  
17                   beginning on the respective expiration date of each lease and the Legislative  
18                   Council approved the request (Resolution No. 14-103); and  
19 **WHEREAS,**       under federal law, the existing 1971 Lease and 1978 Lease can not be extended  
20                   for terms that go beyond the original fifty (50) year terms of the existing leases  
21                   and therefore Resolution No. 14-103 was never implemented; and  
22 **WHEREAS,**       in order to qualify and satisfy federal and state LIHTC program and funding  
23                   eligibility requirements for TOKA's 2014 LIHTC Project, it is necessary for TOKA  
24                   to terminate the existing 1971 Lease and 1978 Lease and enter into new leases  
25                   for the properties leased under the 1971 Lease and the 1978 Lease for new terms  
26                   of fifty (50) years beginning on the respective dates that the two (2) new leases are  
27                   approved by the Secretary of Interior, as required by law; and  
28 **WHEREAS,**       TOKA believes the termination of the existing 1971 Lease and 1978 Lease and  
29                   consummation of new leases for the properties leased under the 1971 Lease and  
30                   the 1978 Lease for new terms of fifty (50) years beginning on the respective dates  
31                   that the two (2) new leases are approved by the Secretary of Interior, as required  
32                   by law (respectively, the "2015 Arizona 26-12 Project Lease" and the "2015

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1                    **Arizona 26-16 Project Lease"), are in the best interests of the Tohono O'odham**  
2                    **Nation to address and serve the housing needs of the Nation's tribal members;**  
3                    **and**

4 **WHEREAS, Sells Community and Sells District support the TOKA'S Board request for new**  
5                    **leases for the properties leased under the 1971 Lease and the 1978 Lease for**  
6                    **terms of fifty (50) years in order for TOKA to qualify and satisfy program and**  
7                    **funding eligibility requirements for the ADOH LIHTC program.**

8 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it**  
9                    **terminates the existing 1971 Lease and 1978 Lease by and between the Nation**  
10                  **and TOKA, effective on the respective Effective Dates of the two (2) new leases,**  
11                  **which is the date that the new leases are approved by the Secretary of Interior as**  
12                  **required by law.**

13 **BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that it repeals**  
14                  **Resolution No. 14-103.**

15 **BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that it approves the two**  
16                  **(2) new leases, defined herein as the 2015 Arizona 26-12 Project Lease and the**  
17                  **2015 Arizona 26-16 Project Lease, for the properties originally leased by the**  
18                  **Nation under the 1971 Lease and the 1978 Lease for new terms of fifty (50) years**  
19                  **commencing on the respective dates that the two (2) new leases are approved by**  
20                  **the Secretary of Interior as required by law, in the forms attached hereto as**  
21                  **Exhibit C and Exhibit D, respectively.**

22 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that the Nation's**  
23                  **chairperson is authorized to execute the 2015 Arizona 26-12 Project Lease and**  
24                  **the 2015 Arizona 26-16 Project Lease, in the forms attached hereto as Exhibit C**  
25                  **and Exhibit D, respectively, which are subject to approval by the Secretary of**  
26                  **Interior, as required by law.**

27 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 05<sup>TH</sup>**  
28 **day of MAY, 2015 at a meeting at which a quorum was present with a vote of 2,926.9 FOR; -0-**  
29 **AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**  
30 **Article VI, Section 1(c)(2) and Article XVI, Section 1 of the Constitution of the Tohono O'odham**  
31 **Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the**  
32 **Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to**  
33 **Section 16 of the Act of June 18, 1934 (48 Stat.984).**  
34  
35

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

*Timothy Joaquin*

Timothy Joaquin, Legislative Chairman

8 day of May, 2015

ATTEST:

*Evonne Wilson*

Evonne Wilson, Legislative Secretary

7 day of May, 2015

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 8 day of May, 2015 at 11:33 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

*Timothy Joaquin*

Timothy Joaquin, Legislative Chairman

APPROVED

on the 08 day of May, 2015

DISAPPROVED

at 2:45 o'clock, P.m.

*Ned Norris, Jr.*

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

Returned to the Legislative Secretary on the 11 day of

May, 2015, at 9:35 o'clock, A.m.

*Evonne Wilson*

Evonne Wilson, Legislative Secretary

**ACTION:** APPROVING TERMINATION OF THE TOHONO O'ODHAM NATION AND TOHONO O'ODHAM KI:KI ASSOCIATION LEASES FOR TOKA HOUSING PROJECTS ARIZONA 26-12 AND 26-16, REPEALING RESOLUTION NO. 14-103, AND APPROVING NEW 50 YEAR LEASES WITH THE TOHONO O'ODHAM KI:KI ASSOCIATION FOR TOKA HOUSING PROJECTS ARIZONA 26-12 AND 26-16

**Moved:** COUNCILWOMAN BARBARA HAVIER

**Second:** COUNCILWOMAN PAMELA ANGHILL

**DATE:** MAY 05, 2015

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>SIF Oidak</b> 224.2	1. LUCINDA ALLEN (Nicholas Jose)	112.1	X			
	2. MARY LOPEZ ( )	112.1	X			
<b>SELLS</b> 502.0	1. ARTHUR WILSON (Ophelia Patten)	251.0	X			
	2. BARBARA HAVIER (Beverly Rivas)	251.0	X			
<b>SCHUK TOAK</b> 174.2	1. ANTHONY J. RIOS ( )	87.1	X			X
	2. QUINTIN C. LOPEZ (John Fendenheim)	87.1	X			
<b>SAN XAVIER</b> 224.2	1. HILARION CAMPUS <i>(Absent)</i> (Daniel L.A. Preston, III) <i>(Present)</i>	112.1	X			
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	112.1	X			
<b>SAN LUCY</b> 219.6	1. DIANA MANUEL (Gloria Ramirez)	109.8	X			
	2. JANA MONTANA ( )	109.8	X			
<b>PISINEMO</b> 210.6	1. CHESTER ANTONE (Tony Murrietta)	105.3	X			
	2. EDWARD MANUEL, SR. ( )	105.3	X			X
<b>HICKIWAN</b> 196.9	1. LOUIS R. LOPEZ ( )	98.45	X			
	2. SANDRA ORTEGA (Manuel Osequeda, Jr.)	98.45	X			
<b>GU VO</b> 241.0	1. GRACE MANUEL (Floyd Flores)	120.5	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	120.5	X			
<b>GU ACHI</b> 257.3	1. TIMOTHY L. JOAQUIN ( )	128.65	X			
	2. LORETTA LEWIS (Louis Johnson)	128.65	X			
<b>CHUKUT KUK</b> 319.2	1. ETHEL GARCIA (Marlakay C. Henry)	159.6	X			
	2. BILLMAN LOPEZ ( )	159.6	X			X
<b>BABOQUIVARI</b> 357.7	1. FRANCES MIGUEL <i>(Absent)</i> (Roberta Harvey) <i>(Present)</i>	178.85	X			
	2. VERNON J. SMITH (Gloria Zazueta)	178.85	X			
<b>TOTAL</b>		<b>2,926.9</b>	<b>2,926.9</b>	<b>-0-</b>	<b>-0-</b>	<b>[03]</b>