

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving Tohono O'odham Ki:Ki Association's Request for Site Control for the**  
**TOKA Homes II Project and Authorizing Execution of Documents for the TOKA's**  
**2016 Low Income Housing Tax Credit Program Application)**

**RESOLUTION NO. 16-038**

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

8 **WHEREAS, TOKA is established as a separate tribal entity, pursuant to 18 Tohono O'odham**  
9 **Code Chapter 1, and is the Nation's tribally designated housing entity in**  
10 **accordance with the Native American Housing Assistance and Self-**  
11 **Determination Act of 1996, 25 U.S.C. § 4101, et seq., P.L. 104-330, 110 Stat. 4106**  
12 **("NAHASDA") and is authorized to receive and administer the Nation's Indian**  
13 **Housing Block Grants, operate and develop low income housing for the Tohono**  
14 **O'odham Nation and to provide safe, decent, and affordable housing on the**  
15 **reservation (18 Tohono O'odham Code Chapter 1, Article I, 1.); and**

16 **WHEREAS, to this end, TOKA plans to submit a Low Income Housing Tax Credit ("2016**  
17 **LIHTC") application, known as "TOKA Homes II Project," to the Arizona**  
18 **Department of Housing ("ADOH") for 40 housing units including the**  
19 **rehabilitation of 20 existing rental units and the new construction of 20 rental**  
20 **townhome units in a designated community revitalization area in Sells, Arizona;**  
21 **and**

22 **WHEREAS as part of the 2016 LIHTC application process, TOKA must have site control for**  
23 **fifty years of the TOKA Homes II Project property; TOKA must form a special**  
24 **purpose entity, to be known as "TOKA #2 Limited Partnership" ("Partnership"),**  
25 **an Arizona limited partnership, that will own and operate the TOKA Homes II**  
26 **Project; and after submission of TOKA's 2016 LIHTC application to ADOH, ADOH**  
27 **will request the Nation execute a form Community Letter of Acknowledgement**  
28 **("Letter") indicating the Nation's acknowledgement of and consent to the TOKA**  
29 **Homes II Project; and**

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1 **WHEREAS, the 40 parcels of land and housing units that comprise the TOKA Homes II**  
2 **Project are subject to two existing master leases between the Nation and TOKA**  
3 **known as "Lease AZ 26-12", which previously was terminated and then renewed**  
4 **May 8, 2015, for an additional fifty year term subject to approval by the Secretary**  
5 **of the Interior (Resolution No. 15-135), and "Lease AZ 26-22"; and**

6 **WHEREAS, of the 20 existing rental units to be rehabilitated as part of the TOKA Homes II**  
7 **Project, nineteen (19) of the parcels of land and housing units currently are**  
8 **subject to and a part of Lease AZ 26-22 and one (1) parcel of land and housing**  
9 **unit currently is subject to and a part of Lease AZ 26-12 and the twenty (20) new**  
10 **construction rental townhome units are to be located on vacant parcels of land**  
11 **that currently are subject to and a part of Lease AZ 26-12; and**

12 **WHEREAS, the LIHTC program and applicable federal tax laws require that TOKA have and**  
13 **maintain site control of all forty (40) LIHTC-funded parcels of land for a period of**  
14 **fifty (50) years, it will be necessary for TOKA and the Nation to either extend**  
15 **Lease AZ 26-22 and Lease AZ 26-12 and/or enter into a new master lease that**  
16 **includes all forty (40) of the LIHTC-funded parcels of land that comprise the**  
17 **TOKA Homes II Project but, at this time, TOKA needs additional information to**  
18 **determine whether to prepare and propose either master lease extensions of**  
19 **Lease AZ 26-12 and Lease AZ 26-22 or a new master lease between the Nation and**  
20 **TOKA that would include all forty (40) of the LIHTC-funded parcels of land that**  
21 **comprise the TOKA Homes II Project; and**

22 **WHEREAS, it is in the Nation's best interest to approve TOKA's request for site control of the**  
23 **TOKA Homes II Project property for a term of fifty (50) years and to authorize the**  
24 **Nation's chairperson to execute documents related to TOKA's 2016 LIHTC**  
25 **application, provided that any extensions of existing master leases or new**  
26 **master leases will be subject to prior review and approval by the Tohono**  
27 **O'odham Legislative Council; and**

28 **WHEREAS, the Legislative Housing Committee recommends approving TOKA's request for**  
29 **site control of the TOKA Homes II Project property for a term of fifty (50) years,**

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1 provided that any extensions of existing master leases or new master leases will  
2 be subject to prior review and approval by the Tohono O'odham Legislative  
3 Council and authorizing the Nation's chairperson to execute documents related  
4 to TOKA's 2016 LIHTC application.

5 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves**  
6 **TOKA's request for site control of the TOKA Homes II Project property for a term**  
7 **of fifty (50) years, provided that any extensions of existing master leases or new**  
8 **master leases will be subject to prior review and approval by the Tohono**  
9 **O'odham Legislative Council.**

10 **BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council authorizes the Nation's**  
11 **chairperson to execute documents related to TOKA's 2016 LIHTC application,**  
12 **including the Community Letter of Acknowledgement for TOKA's 2016 LIHTC**  
13 **application to ADOH.**

14 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 29<sup>TH</sup>**  
15 **day of JANUARY, 2016 at a meeting at which a quorum was present with a vote of 3,021.4 FOR;**  
16 **-0- AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**  
17 **Article VI, Section 1(c)(2) and Article XVI, Section 1 of the Constitution of the Tohono O'odham**  
18 **Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the**  
19 **Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to**  
20 **Section 16 of the Act of June 18, 1934 (48 Stat.984).**

21  
22 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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27 **Timothy Joaquin, Legislative Chairman**

28 1 day of February, 2016

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30  
31 **ATTEST:**

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34 **Evonne Wilson, Legislative Secretary**

35  
36 1 day of January, 2016

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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'dham Nation on the 1 day of January, 2016 at 11:27 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, Legislative Chairman**

**APPROVED**

on the 7 day of February, 2016

**DISAPPROVED**

at 9:59 o'clock, a.m.

  
\_\_\_\_\_  
**EDWARD D. MANUEL, CHAIRMAN**  
**TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 2 day of

January, 2016, at 10:20 o'clock, a.m.

  
\_\_\_\_\_  
**Evonne Wilson, Legislative Secretary**

**ACTION: APPROVING TOHONO O'ODHAM KI:KI ASSOCIATION'S REQUEST FOR SITE CONTROL FOR THE TOKA HOMES II PROJECT AND AUTHORIZING EXECUTION OF DOCUMENTS FOR THE TOKA'S 2016 LOW INCOME HOUSING TAX CREDIT PROGRAM APPLICATION**

**Moved: COUNCILWOMAN LORETTA LEWIS**

**SECOND: COUNCILWOMAN BARBARA HAVIER**

**DATE: JANUARY 29, 2016**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 367.2	1. FRANCES MIGUEL (Roberta E. Harvey)	183.60	X			
	2. VERNON J. SMITH (Gloria Zazueta)	183.60	X			
CHUKUT KUK 332.1	1. ETHEL GARCIA (Marlakay K. Henry)	166.05	X			
	2. BILLMAN LOPEZ (Patricia Vicenti)	166.05	X			
GU ACHI 265.0	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	132.50	X			
	2. LORETTA LEWIS ( )	132.50	X			
GU VO 250.6	1. GRACE MANUEL (Dallas Lewis)	125.30	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	125.30	X			
HICKIWAN 205.8	1. LOUIS R. LOPEZ (Shirley Molina)	102.90	X			X
	2. SANDRA ORTEGA ( )	102.90	X			
PISINEMO 219.9	1. CHESTER ANTONE ( )	109.95	X			
	2. MONICA K. MORGAN ( )	109.95	X			
SAN LUCY 226.5	1. DIANA MANUEL ( )	113.25	X			
	2. JANA MONTANA (Gloria Ramirez)	113.25	X			
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III ( )	114.30	X			X
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	114.30	X			
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. ( )	90.30	X			
	2. QUINTIN C. LOPEZ (John Fendenheim)	90.30	X			
SELLS 513.5	1. ARTHUR WILSON (Beverly Rivas)	256.75	X			
	2. BARBARA HAVIER ( )	256.75	X			
SIF OIDAK 231.6	1. LUCINDA ALLEN <i>(Absent)</i> (Nicholas Jose) <i>(Present)</i>	115.80	X			X
	2. MARY LOPEZ ( )	115.80	X			
<b>TOTAL</b>		<b>3,021.4</b>	<b>3,021.4</b>	<b>-0-</b>	<b>-0-</b>	<b>[03]</b>