

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving the Tohono O'odham Ki:Ki Association's Request for an Agreement to Enter into a
New Master Lease for the "TOKA Homes V" Housing Project and Authorizing Execution of
Documents for TOKA's 2020 Low Income Housing Tax Credit Program Application)

RESOLUTION NO. 20-357

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation (the "Nation") vests the
2 Legislative Council 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,** TOKA is established and designated by the Tohono O'odham Nation as the
9 Nation's Tribally Designated Housing Entity in accordance with the Native
10 American Housing Assistance and Self-Determination Act of 1996, § 2 U.S.C. §
11 4101, et seq., P.L.104-330, 110 Stat. 4106 ("NAHASDA") and is authorized to receive
12 and administer the Nation's Indian Housing Block Grants, operate and develop
13 low income housing for the Tohono O'odham Nation and to provide safe, decent,
14 and affordable housing on the reservation (18 Tohono O'odham Code Chapter 1);
15 and

16 **WHEREAS,** to this end, TOKA plans to submit (1) a 4% Low Income Housing Tax Credit
17 application to the Arizona Department of Housing ("ADOH"); and (2) a Tax Exempt
18 Private Activity Bond application to the Pima County Industrial Development
19 Authority ("PCIDA") to finance TOKA's construction and development of a
20 proposed housing project, known as "TOKA Homes V," consisting of newly-
21 constructed housing units located on scattered sites within the Nation's Sells
22 District, Schuk Toak District, Baboquivari District and Sif Oidak District, Arizona
23 ("Project"); and

24 **WHEREAS,** the Sells District, Schuk Toak District, Baboquivari District and Sif Oidak District
25 each support the Project and have designated parcels of the Nation's trust lands
26 located within each of the foregoing Districts for the respective sites comprising
27 the Project (collectively referred to herein as the "Project Sites"); and

28 **WHEREAS,** it is necessary for TOKA's ADOH LIHTC and PCIDA bond applications that TOKA
29 form a special purpose entity, to be known as "TOKA #5 Limited Partnership"
30 ("Partnership"), an Arizona limited partnership, that will own and operate the
31 Project; and

32 **WHEREAS,** it is necessary for TOKA's ADOH LIHTC and PCIDA bond applications for the TOKA
33 Homes V housing project that the Partnership have site control of the Project

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1 **Sites via (1) an Agreement to Enter into a New Master Lease for the Project Sites**
2 **between TOKA and the Tohono O'odham Nation with a term of fifty (50) years; and**
3 **(2) an Agreement between TOKA and the Partnership to Sublease the Project Sites**
4 **to the Partnership; and**

5 **WHEREAS,** **the Housing Committee finds that it is in the best interests of the Nation and**
6 **recommends that the Legislative Council (1) approve an Agreement to Enter into**
7 **a New Master Lease for the Project Sites between TOKA and the Tohono O'odham**
8 **Nation for a term of fifty (50) years; and (2) acknowledge and support the**
9 **Agreement between TOKA and the Partnership to Sublease the Project Sites to the**
10 **Partnership in order to submit TOKA's ADOH LIHTC and PCIDA bond applications**
11 **to ADOH and PCIDA, respectively, for the Project; and**

12 **WHEREAS,** **after submission of TOKA's LIHTC application to ADOH, ADOH will send the Nation**
13 **an ADOH form Community Letter of Acknowledgement and request that the**
14 **Nation sign and return the Letter indicating the Nation's acknowledgement of**
15 **and consent to the Project; and**

16 **WHEREAS,** **the Housing Committee recommends that the Legislative Council approve a**
17 **Community Letter of Acknowledgement which provides the Nation's**
18 **acknowledgement of and consent to the Project.**

19 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that, for the**
20 **purposes of TOKA's submission of TOKA's ADOH LIHTC and PCIDA Tax Exempt**
21 **Private Activity Bond applications for the TOKA Homes V Project, approves and**
22 **authorizes the Nation's Chairperson or official designee to execute on behalf of**
23 **the Nation:**

- 24 **(1) the Community Letter of Acknowledgement for TOKA's ADOH LIHTC**
25 **application;**
26 **(2) an Agreement to Enter into a New Master Lease between TOKA and the**
27 **Tohono O'odham Nation for the TOKA HOMES V Project Sites for a term of**
28 **fifty (50) years; and**
29 **(3) any and all documents on behalf of the Nation necessary for TOKA's**
30 **submission of the ADOH LIHTC and PCIDA Tax Exempt Private Activity Bond**
31 **applications.**

32 **BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council, for the purposes of**
33 **TOKA's submission of the ADOH LIHTC and PCIDA Tax Exempt Private Activity**
34 **Bond applications for the TOKA Homes V Project, acknowledges and supports the**

RESOLUTION NO. 20-357

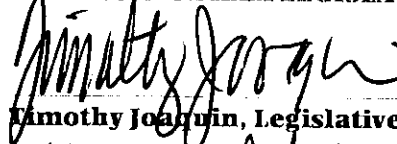
(Approving the Tohono O'odham Ki:Ki Association's Request for an Agreement to Enter into a New Master Lease for the "TOKA Homes V" Housing Project and Authorizing Execution of Documents for TOKA's 2020 Low Income Housing Tax Credit Program Application)
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1 Agreement between TOKA and the Partnership to Sublease the Project Sites to the
2 Partnership.

3 BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council approves and
4 authorizes the Nation's Chairperson or official designee to execute and deliver
5 any and all additional documents on behalf of the Nation to carry out the purpose
6 and intent of this resolution.

7 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 14TH
8 day of OCTOBER, 2020 at a meeting at which a quorum was present with a vote of 2,288.05 FOR;
9 887.65 AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council
10 by Article VI, Section 1(c)(2) and Article XVI, Section 1 of the Constitution of the Tohono O'odham
11 Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting
12 Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section
13 16 of the Act of June 18, 1934 (48 Stat.984).

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16 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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20 Timothy Joaquin, Legislative Chairman

21 16 day of October, 2020

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26 ATTEST:

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29 Evonne Wilson, Legislative Secretary

30 16 day of October, 2020

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32 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
33 O'odham Nation on the 19 day of October, 2020 at 10:30 o'clock, 9 .m.,
34 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
35 effective upon his approval or upon his failure to either approve or disapprove it within 48
36 hours of submittal.

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39 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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43 Timothy Joaquin, Legislative Chairman

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(Approving the Tohono O'odham Ki:Ki Association's Request for an Agreement to Enter into a New Master Lease for the "TOKA Homes V" Housing Project and Authorizing Execution of Documents for TOKA's 2020 Low Income Housing Tax Credit Program Application)

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APPROVED

on the 19 day of October, 2020

DISAPPROVED

at 3:05 o'clock, P.m.

Wendene M. Saunders
NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 19 day of

October, 2020, at 3:24 o'clock, P.m.

Evonne Wilson
Evonne Wilson, Legislative Secretary

ACTION: APPROVING THE TOHONO O'ODHAM KI-KI ASSOCIATION'S REQUEST FOR AN AGREEMENT TO ENTER INTO A NEW MASTER LEASE FOR THE "TOKA HOMES V" HOUSING PROJECT AND AUTHORIZING EXECUTION OF DOCUMENTS FOR TOKA'S 2020 LOW INCOME HOUSING TAX CREDIT PROGRAM APPLICATION

Moved: COUNCILWOMAN MONICA K. MORGAN

SECOND: COUNCILWOMAN MARIETTA MARTIN

DATE: OCTOBER 14, 2020

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 384.8	1. LEANDER MASE (Francine Schooling)	192.40	X			
	2. ALBERTA J. RAY (Frances G. Antone)	192.40	X			
CHUKUT KUK 347.5	1. VIVIAN JUAN-SAUNDERS (Juanita Homer)	173.75	X			
	2. MARLAKAY HENRY (Billman Lopez)	173.75		X		
GUACHI 279.3	1. VICTORIA HOBBS ()	139.65	X			
	2. TIMOTHY L. JOAQUIN (Louis L. Johnson)	139.65	X			
GUVO 264.5	1. DALLAS LEWIS (Nacho Flores)	132.25		X		
	2. GRACE MANUEL ()	132.25		X		
HICKIWAN 213.8	1. SANDRA D. ORTEGA ()	106.90		X		X
	2. LOUIS R. LOPEZ (Delma M. Garcia)	106.90		X		
PISINEMO 230.7	1. MONICA K. MORGAN ()	115.35	X			
	2. MARIETTA MARTIN ()	115.35	X			
SAN LUCY 235.6	1. GLORIA RAMIREZ ()	117.80		X		
	2. JANA MONTANA (Lorraine M. Eiler)	117.80		X		
SAN XAVIER 238.9	1. JANICE FELIX (Adam Andrews)	119.45	X			
	2. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	119.45	X			
SCHUK TOAK 189.0	1. QUINTIN C. LOPEZ (Agnes V. Joaquin)	94.50	X			
	2. TERESA F. DONAHUE (Alberta Espinoza)	94.50	X			
SELLS 547.1	1. EVELYN JUAN MANUEL ()	273.55	X			
	2. ARTHUR WILSON ()	273.55	X			
SIF OIDA 244.5	1. LUCINDA ALLEN (Yolonda Garcia)	122.25	X			
	2. MARY LOPEZ (Ann M. Garcia)	122.25	X			
TOTAL		3,175.7	2,288.05	887.65	-0-	[01]