

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 2021 Low Income Housing
Tax Credit Program Application to the Arizona Department of Housing)

RESOLUTION NO. 21-078

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, 25 U.S.C. § 4101,
11 et seq., P.L.104-330, 110 Stat. 4106 ("NAHASDA") and is authorized to receive and
12 administer the Nation's Indian Housing Block Grants, operate and develop low
13 income housing for the Tohono O'odham Nation and to provide safe, decent, and
14 affordable housing on the reservation (18 Tohono O'odham Code Chapter 1); and

15 **WHEREAS,** to this end, TOKA plans to submit a 9% Low Income Housing Tax Credit ("LIHTC")
16 application to the Arizona Department of Housing ("ADOH") to finance TOKA's
17 construction and development of a proposed housing project, known as "TOKA
18 Homes V," consisting of newly-constructed housing units located on scattered
19 sites within the Nation's Sells District, Sif Oidak District and San Xavier District
20 ("2021 LIHTC Project"); and

21 **WHEREAS,** the Sells District, Sif Oidak District and San Xavier District each support the 2021
22 LIHTC Project and have designated parcels of the Nation's trust lands located
23 within each of the foregoing Districts for the respective sites comprising the 2021
24 LIHTC Project (collectively referred to herein as the "Project Sites"); and

25 **WHEREAS,** it is necessary for TOKA's ADOH LIHTC application that TOKA form a special
26 purpose entity, to be known as "TOKA#5 Limited Partnership" ("Partnership"), an
27 Arizona limited partnership, that will own and operate the 2021 LIHTC Project;
28 and

29 **WHEREAS,** it is necessary for TOKA's ADOH LIHTC application for the TOKA Homes V housing
30 project that the Partnership have site control of the 2021 LIHTC Project Sites via
31 (1) an Agreement to Enter into a New Master Lease for the Project Sites between
32 TOKA and the Tohono O'odham Nation with a term of 50 years; and (2) an

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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 2021 Low Income Housing Tax Credit Program Application to the Arizona Department of Housing)

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1 Agreement between TOKA and the Partnership to Sublease the Project Sites to the
2 Partnership; and

3 **WHEREAS,** the Housing Committee finds that it is in the best interests of the Nation and
4 recommends that the Legislative Council (1) approve an Agreement to Enter into
5 a New Master Lease for the Project Sites between TOKA and the Tohono O'odham
6 Nation for a term of 50 years; and (2) acknowledge and support the Agreement
7 between TOKA and the Partnership to Sublease the Project Sites to the
8 Partnership in order to submit TOKA's ADOH LIHTC application to ADOH, for the
9 2021 LIHTC Project; and

10 **WHEREAS,** after submission of TOKA's LIHTC application to ADOH, ADOH will send the Nation
11 an ADOH form Community Letter of Acknowledgement and request that the
12 Nation sign and return the Letter indicating the Nation's acknowledgement of
13 and consent to the 2021 LIHTC Project; and

14 **WHEREAS,** the Housing Committee recommends that the Legislative Council approve a
15 Community Letter of Acknowledgement which provides the Nation's
16 acknowledgement of and consent to the 2021 LIHTC Project.

17 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council, for the
18 purposes of TOKA's submission of TOKA's ADOH LIHTC application for the TOKA
19 Homes V Project, approves and authorizes the Nation's chairperson or official
20 designee to execute on behalf of the Nation:

- 21 (1) the Community Letter of Acknowledgement for TOKA's ADOH LIHTC
22 application;
- 23 (2) an Agreement to Enter into a New Master Lease between TOKA and the
24 Tohono O'odham Nation for the TOKA HOMES V Project Sites for a term of
25 50 years; and
- 26 (3) any and all documents on behalf of the Nation necessary for TOKA's
27 submission of the ADOH LIHTC application.

28 **BE IT FURTHER RESOLVED** that the Tohono O'odham Legislative Council, for the purposes of
29 TOKA's submission of the ADOH LIHTC application for the TOKA Homes V Project,
30 acknowledges and supports the Agreement between TOKA and the Partnership to
31 Sublease the Project Sites to the Partnership.

32 **BE IT FINALLY RESOLVED** that the Tohono O'odham Legislative Council approves and
33 authorizes the Nation's chairperson or official designee to execute and deliver

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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 2021 Low Income Housing Tax Credit Program Application to the Arizona Department of Housing)

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any and all additional documents on behalf of the Nation to carry out the purpose and intent of this resolution.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 03RD day of MARCH, 2021 at a meeting at which a quorum was present with a vote of 3,175.7 FOR; -0- AGAINST; [02] NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(c)(2) and Article XVI, Section 1 of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Timothy C. Yopp
Timothy Joaquin, Legislative Chairman
5 day of March, 2021

ATTEST:

Evonne Wilson
Evonne Wilson, Legislative Secretary
3 day of March, 2021

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 5 day of March, 2021 at 11:49 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 C. Yopp
Timothy Joaquin, Legislative Chairman

APPROVED

on the 5th day of March, 2021

DISAPPROVED

at 12:03 o'clock, p.m.

Ned Norris, Jr.
NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

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Returned to the Legislative Secretary on the 5 day of

March, 2021, at 12:00 o'clock, p.m.



Evonne Wilson, Legislative Secretary

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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 2021 LOW INCOME HOUSING TAX CREDIT PROGRAM APPLICATION TO THE ARIZONA DEPARTMENT OF HOUSING

MOVED: COUNCILWOMAN VICTORIA HOBBS

SECOND: COUNCILWOMAN MONICA K. MORGAN

DATE: MARCH 03, 2021

| 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(Absent) (Louis L. Johnson) (Present) | 139.65 | X | | | |
| GU VO 264.5 | 1. DALLAS LEWIS (Nacho Flores) | 132.25 | X | | | |
| | 2. GRACE MANUEL () | 132.25 | X | | 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 | | 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 OIDAK 244.5 | 1. LUCINDA ALLEN (Yolonda Garcia) | 122.25 | X | | | |
| | 2. MARY LOPEZ (Ann M. Garcia) | 122.25 | X | | | |
| TOTAL | | 3,175.7 | 3,175.7 | -0- | [02] | [01] |