

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 VI" Housing Project and Authorizing
Execution of Documents for TOKA's 2024 Low Income Housing Tax Credit
Program Application to the Arizona Department of Housing)

RESOLUTION NO. 24-083

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation (the "Nation") vests the Legislative
2 Council with the power to enact laws "to promote, protect and provide for public
3 health, peace, morals, education and general welfare of the Tohono O'odham
4 Nation 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 and designated by the Tohono O'odham Nation as the Nation's
9 Tribally Designated Housing Entity in accordance with the Native American
10 Housing Assistance and Self-Determination Act of 1996, § 25 U.S.C. § 4101, et
11 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
16 ("LIHTC") application to the Arizona Department of Housing ("ADOH") to finance
17 TOKA's construction and development of a proposed housing project, known as
18 "TOKA Homes VI," consisting of newly-constructed housing units located on
19 scattered sites within the Nation's Pisinemo District and Baboquivari District,
20 Arizona ("2024 LIHTC Project"); and

21 **WHEREAS,** the Pisinemo District and Baboquivari District each support the 2024 LIHTC
22 Project and have designated parcels of the Nation's trust lands located within each
23 of the foregoing Districts for the respective sites comprising the 2024 LIHTC
24 Project (collectively referred to herein as the "Project Sites"); and

25 **WHEREAS,** the Nation has made and continues to make specific investments in housing, non-
26 housing infrastructure, and services across the Tohono O'odham Nation's
27 reservation lands and the TOKA Homes VI Project will contribute to the Nation's
28 community revitalization efforts described in its adopted Indian Housing Plan;
29 and
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1 **WHEREAS,** it is necessary for TOKA's ADOH LIHTC application that TOKA form a special
2 purpose entity, to be known as "TOKA #6 Limited Partnership" ("Partnership"),
3 an Arizona limited partnership, that will own and operate the 2024 LIHTC
4 Project; and

5 **WHEREAS,** it is necessary for TOKA's ADOH LIHTC application for the TOKA Homes VI
6 housing project that the Partnership have site control of the 2024 LIHTC Project
7 Sites via (1) an Agreement to Enter into a New Master Lease between TOKA and
8 the Tohono O'odham Nation for the TOKA Homes VI Project Sites for a term of
9 fifty (50) years; and (2) an Agreement between TOKA and the Partnership to
10 Sublease the Project Sites to the Partnership; and

11 **WHEREAS,** the Housing Committee finds that it is in the best interests of the Nation and
12 recommends that the Legislative Council (1) approve an Agreement to Enter into
13 a New Master Lease between TOKA and the Tohono O'odham Nation for the TOKA
14 Homes VI Project Sites for a term of fifty (50) years; and (2) acknowledge and
15 support the Agreement between TOKA and the Partnership to Sublease the Project
16 Sites to the Partnership in order to submit TOKA's ADOH LIHTC application to
17 ADOH, for the 2024 LIHTC Project; and

18 **WHEREAS,** it is necessary for the Nation to acknowledge support and consent for the 2024
19 LIHTC Project by resolution; and

20 **WHEREAS,** the Housing Committee recommends that the Legislative Council acknowledge and
21 consent to the 2024 LIHTC Project by this resolution.

22 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council, for the
23 purposes of TOKA's submission of TOKA's ADOH LIHTC application for the
24 TOKA Homes VI Project, approves and authorizes the Nation's chairperson to
25 execute on behalf of the Nation:

26 (1) an Agreement to Enter into a New Master Lease between TOKA and the
27 Tohono O'odham Nation for the TOKA Homes VI Project Sites for a term
28 of fifty (50) years; and

29 (2) any and all documents necessary for TOKA's submission of the ADOH LIHTC
30 application.

31 **BE IT FURTHER RESOLVED** that the Tohono O'odham Legislative Council, for the purposes of
32 TOKA's submission of the ADOH LIHTC application for the TOKA Homes VI

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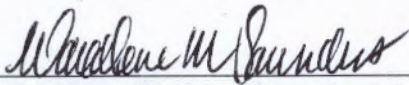
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Project, acknowledges and supports the Agreement between TOKA and the Partnership to Sublease the Project Sites to the Partnership.

BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council approves and authorizes the Nation's chairperson to execute and deliver any and all additional documents on behalf of the Nation to carry out the purpose and intent of this resolution.

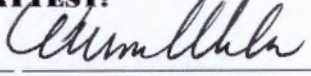
The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 06TH day of MARCH 2024 at a meeting at which a quorum was present with a vote of 3,005.7 FOR; -0- AGAINST; 257.6[02] NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(c)(2) 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



Wavalene M. Saunders, Legislative Chairwoman
18 day of March, 2024

ATTEST:



Evonne Wilson, Legislative Secretary
8 day of March, 2024

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 18 day of March, 2024 at 7:50 o'clock, p .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



Wavalene M. Saunders, Legislative Chairwoman

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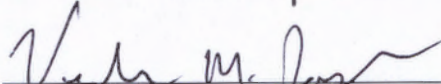
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APPROVED

on the 12 day of March, 2024

DISAPPROVED

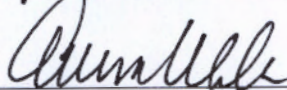
at 6:20 o'clock, p. .m.



**VERLON M. JOSE, CHAIRMAN
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 13 day of

March, 2024, at 11:22 o'clock, a. .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 VI" HOUSING PROJECT AND AUTHORIZING EXECUTION OF DOCUMENTS FOR TOKA'S 2024 LOW INCOME HOUSING TAX CREDIT PROGRAM APPLICATION TO THE ARIZONA DEPARTMENT OF HOUSING

MOVED: COUNCILMAN TIMOTHY L. JOAQUIN

SECOND: COUNCILWOMAN THEORIA CAMPILLO

DATE: MARCH 06, 2024

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 394.2	1. LEANDER MASE (Francine Schooling) 2. JESSE NAVARRO (Alberta J. Ray)	197.1 197.1	X X			
CHUKUT KUK 354.7	1. VIVIAN JUAN-SAUNDERS (<i>Absent</i>) (Cornelius Antone) (<i>Present</i>) 2. MARLAKAY HENRY ()	177.35 177.35	X X			
GU ACHI 282.7	1. VICTORIA HOBBS (Tonya L. Joaquin) 2. TIMOTHY L. JOAQUIN (Jerome L. Joaquin)	141.35 141.35	X X			
GU VO 276.0	1. DALLAS LEWIS () 2. LESLIE LUNA (Grace Manuel)	138.0 138.0	X X			
HICKIWAN 220.5	1. DELMA M. GARCIA () 2. LOUIS R. LOPEZ (Loretta A. Ortega)	110.25 110.25	X X			
PISINEMO 236.2	1. EDWARD D. MANUEL (Monica Morgan) 2. PAMELA J. BENAVIDEZ (Nora J. Ruelas)	118.1 118.1	X X			
SAN LUCY 257.6	1. ROGER MANUEL (Christina Andrews) 2. GLORIA M. RAMIREZ (Lorraine M. Eiler)	128.8 128.8			X X	
SAN XAVIER 244.5	1. JANICE FELIX () 2. DANIEL L.A. PRESTON III ()	122.25 122.25	X X			X
SCHUK TOAK 191.8	1. DELISA M. RAMON (Sharon A. Francisco) 2. THEORIA CAMPILLO (Rebecca Ann Valentine)	95.9 95.9	X X			
SELLS 558.0	1. EVELYN JUAN-MANUEL (Arvada Liston) 2. JANET B. ELEANDO ()	279.0 279.0	X X			
SIF OIDAK 247.1	1. LUCINDA ALLEN (Francis Homewytewa) 2. WAVALENE M. SAUNDERS (Mary Lopez)	123.55 123.55	X X			
TOTAL		3,263.30	3,005.7	-0-	257.6 [02]	[01]