

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving a Business Lease between the Sells District and
Indianola Partners)**

RESOLUTION NO. 93-324

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4 **WHEREAS,** pursuant to Article XVI, Section 5 of the Constitution of the
5 Tohono O'odham Nation, the Sells District requests the
6 approval of the Legislative Council of a Business Lease (a copy
7 of which is attached hereto and incorporated herein by
8 reference) for the lease of tribal land located within the Sells
9 District; and

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11 **WHEREAS,** the purpose of the proposed Business Lease is for the
12 construction of a building suitable for use by the United States
13 Customs Service; and

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15 **WHEREAS,** the proposed lessee under the proposed Business Lease is
16 Indianola Partners, an Arizona general partnership; and

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18 **WHEREAS,** Indianola Partners has contracted with the United States
19 General Services Administration ("GSA") to build a facility on
20 the proposed lease site which would meet the requirements and
21 specifications of GSA for purposes of providing a U.S. Customs
22 Service office; and

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25 **WHEREAS,** pursuant to its contractual agreement with GSA, Indianola
26 Partners proposes to sublease the premises to GSA for purposes
27 of providing a U.S. Customs Service office; and
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WHEREAS, pursuant to the Nation's Constitution, the proposed Business Lease must be approved by the Legislative Council and by the Secretary of Interior; and

WHEREAS, the proposed Business Lease is in a form suggested by the Bureau of Indian Affairs for compliance with Department of Interior regulations for the leasing of tribal land; and

WHEREAS, Department of Interior regulations require the payment of a fair annual rental for the leased premises and, in the Secretary's discretion, require that payment and performance bonds be posted for the lessor's protection; and

WHEREAS, the Bureau of Indian Affairs has rendered an appraisal on the fair annual rental of the subject property; and

WHEREAS, Indianola Partners has requested the exercise of the Secretary's discretion to not require payment of a rental fee during the period in which the proposed building is to be constructed (estimated by Indianola Partners to be seven or eight months), and further to not require Indianola Partners' posting of either a payment or performance bond; and

WHEREAS, the attached form of Business Lease reflects a deferral of the rental fee and waiver of the bonding requirement, as requested

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by Indianola Partners; and

WHEREAS, the BIA Agency Superintendent has indicated that BIA will defer to the Nation's decision with respect to Indianola Partners' request; and

WHEREAS, GSA has confirmed its commitment to the construction and operation of a U.S. Customs Service office at the proposed lease site; and

WHEREAS, the Sells District has accepted the lease terms proposed by Indianola Partners; and

WHEREAS, given the unique circumstances of this proposed lease arrangements involving a build-to-suit facility for the United States government with payment assured by the United States government, the Natural Resources Committee recommends the approval of the Business lease.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1. The Legislative Council approves the Business Lease in the form attached hereto.**
- 2. Considering the unique circumstances of this lease arrangement, no payment or performance bonds shall be required; provided, however, nothing contained in this**

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approval shall be construed as a general waiver of the requirement for such bonds in other lease agreements.

3. Considering the unique circumstances of this lease arrangement, deferral of payment of a rental fee until the proposed office building is completed is approved; provided, however, nothing contained in this approval shall be construed as a general acceptance by the Legislative Council of proposals to defer rental fees in other lease agreements.

4. The approval of the Business Lease includes the approval of the GSA Sublease, subject to the conditions identified in Section 16 of the Business Lease.

5. The Nation's Research and Planning Department is directed to prepare and submit to the Legislative Council within five years of the effective date of the Business Lease a feasibility study regarding the exercise of the Nation's option under Section 29 of the Business Lease.

6. The Nation's Chairman is authorized and directed to execute the Business Lease in the form attached hereto.

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The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 15TH day of SEPTEMBER, 1993 at a meeting at which a quorum was present with a vote of 1,699.0 FOR; 64.0 AGAINST; -0- NOT VOTING; and 03 ABSENT, pursuant to the powers vested in the Council by Section 1(f) & (i) of Article VI and Section 5 of Article XVI 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).

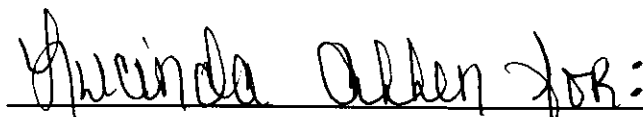
TOHONO O'ODHAM LEGISLATIVE COUNCIL



Alex J. Ramon, Legislative Chairman

21st day of September, 1993

ATTEST:



Teresa M. Choyguha, Legislative Secretary

21st day of September, 1993.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 21st day of September, 1993 at 1:16 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



Alex J. Ramon, Legislative Chairman

RESOLUTION NO. 93-324

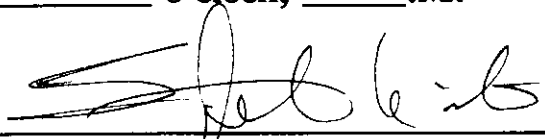
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APPROVED on the 21 day of September, 1993

DISAPPROVED at 7:15 o'clock, P. .M.



**SYLVESTER LISTO, Chairman
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 23rd day of September,
1993, at 9:00 o'clock, A .M.



Teresa M. Choyguha, Legislative Secretary

ACTION: APPROVING A BUSINESS LEASE BETWEEN THE SELLS DISTRICT AND INDIANOLA PARTNERS

MOVED: COUNCILMAN ANDREW PATRICIO

SECOND: COUNCILWOMAN FRANCES MIGUEL

DATE: SEPTEMBER 15, 1993

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 151.0	1. WILLARD JUAN, SR. (Delbert Thomas)	75.5	X			
	2. MARY ANN ANTONE (Nellie Miguel)	75.5	X			X
SELLS 290.0	1. ANDREW M. PATRICIO (Lucille Encinas)	145.0	X			
	2. JOSEPH T. JOAQUIN (Allen W. Garica, Jr.)	145.0	X			
SCHUK TOAK 113.0	1. FRANCES FRANCISCO ()	56.5	X			
	2. KENNETH J. ANTONE ()	56.5	X			X
SAN XAVIER 135.0	1. EUGENE ENIS, SR. ()	67.5	X			
	2. DENNIS RAMON ()	67.5	X			
BABOQUIVARI 230.0	1. FRANCES MIGUEL ()	115.0	X			
	2. EARL A. FRANCISCO (Lucilda Norris)	115.0	X			
GU ACHI 180.0	1. WILLARD ANITA ()	90.0	X			
	2. ALEX J. RAMON (Marian Johnson)	90.0	X			
PISINEMO 128.0	1. CHESTER ANTONE (Fernando Valentine)	64.0	X			
	2. JOHNSON M. JOSE (Roseleen Antone)	64.0		X		
SAN LUCY 98.0	1. JOHN RENO ()	49.0	X			
	2. ALBERT MANUEL, JR. (Ernestine Marquez)	49.0	X			X
GU VO 124.0	1. EMILIO LEWIS ()	62.0	X			
	2. MICHAEL FLORES (Fern Salcido)	62.0	X			
HICKIWAN 136.0	1. MANUEL OSEQUEDA, JR. ()	68.0	X			
	2. LLOYD FRANCISCO (Henry A. Ramon)	68.0	X			
CHUKUT KUK 178.0	1. ALBERTA M. LOPEZ (Berdella Jose)	89.0	X			
	2. KENNETH WILLIAMS ()	89.0	X			
TOTAL		1,763.0	1,699.0	64.0	-0-	03

**PASSED VOTES