

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving a business lease between Schuk Toak District
and John L. Fendenheim)**

RESOLUTION NO. 94-496

WHEREAS, by Legislative Council Resolution No. 94-167, the Nation supported the proposal of Mr. John L. Fendenheim to establish the O'odham Trading-Native American Arts & Wares as a retail store in the Schuk Toak District at the intersection of Highway 86 and the San Pedro Road; and

WHEREAS, the San Pedro Community and the Schuk Toak District Council have agreed to enter into a business lease with Mr. Fendenheim, a copy of which is attached hereto and incorporated herein by reference; and

WHEREAS, the business lease in the form attached hereto requires Mr. Fendenheim to pay a nominal rental fee for the leased premises and does not require him to post either a performance or payment bond; and

WHEREAS, the San Pedro Community and the Schuk Toak District Council have agreed to the nominal rental and the waiver of the performance and payment bonds for the following reasons: (a) Mr. Fendenheim is a member of the San Pedro Community and is encouraged to develop economic opportunities within the District without undue constraints; (b) the District encourages its members to provide economic opportunities within the

RESOLUTION NO. 94-496
(Approving a business lease between Schuk Toak District
and John L. Fendenheim)
Page 2 of 4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

District to address the absence of economic development within the District; (c) under the terms of the proposed business lease, Mr. Fendenheim will construct, at his expense, a building with an estimated value of \$50,000, which improvement will become the property of the District at the termination of the lease; (d) Mr. Fendenheim will secure a loan from the Nation's Revolving Credit Fund for purposes of constructing the building and developing the premises, therefore, the source of funding for performance under the lease is assured; and (e) no payment bond will be required for the proposed nominal rental fee; and

WHEREAS, the business lease in the form attached hereto complies with the federal regulations (25 C.F.R. Part 162) in all other respects.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1. the above-stated justification for the nominal rental fee and the waiver of the performance and payment bonds is hereby accepted;**
- 2. the business lease in the form attached hereto is hereby approved;**

RESOLUTION NO. 94-496

**(Approving a business lease between Schuk Toak District
and John L. Fendenheim)**

Page 3 of 4

1
2
3 **3. Mr. Fendenheim, his heirs, successors and assigns**
4 **under the lease, shall comply with all applicable**
5 **laws of the Nation in the performance of his duties**
6 **and obligations under the lease.**

7
8 **The foregoing Resolution was passed by the Tohono O'Odham**
9 **Legislative Council on the 22ND. day of NOVEMBER, 1994 at a**
10 **meeting at which a quorum was present with a vote of 1,763.0 FOR;**
11 **-0- AGAINST; -0- NOT VOTING; and 05 ABSENT, pursuant to the**
12 **powers vested in the Council by Section 1(i) of Article VI and Section**
13 **5 of Article XVI of the Constitution of the Tohono O'Odham Nation,**
14 **adopted by the Tohono O'Odham Nation on January 18, 1986; and**
15 **approved by the Acting Deputy Assistant Secretary - Indian Affairs**
16 **(Operations) on March 6, 1986, pursuant to Section 16 of the Act of**
17 **June 18, 1934 (48 Stat. 984).**

18 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

19 

20 **For. Alex J. Ramon, Legislative Chairman**

21 28 day of Nov., 1994

22 **ATTEST:**

23 
Acting Legislative Secretary

24 28th day of November, 1994.

25 **Said Resolution was submitted for approval to the office of the**
26 **Chairman of the Tohono O'Odham Nation on the 28 day of**
27 **Nov., 1994 at 3:10 o'clock, A.M., pursuant to the**
28 **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.

RESOLUTION NO. 94-496
(Approving a business lease between Schuk Toak District
and John L. Fendenheim)
Page 4 of 4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TOHONO O'ODHAM LEGISLATIVE COUNCIL


for **Alex J. Ramon, Legislative Chairman**

APPROVED on the 30 day of November, 1994
 DISAPPROVED at 1:08 o'clock, P.M.



SYLVESTER LISTO, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 30TH day of
November, 1994, at 1:55 o'clock, P.M.



Acting Legislative Secretary

ACTION: APPROVING A BUSINESS LEASE BETWEEN SCHUK TOAK DISTRICT AND JOHN L. FENDENHEIM

MOVED: COUNCILMAN ANDREW PATRICIO

SECOND: COUNCILWOMAN FRANCES FRANCISCO

DATE: NOVEMBER 22, 1994

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			
SELLS 290.0	1. ANDREW M. PATRICIO (Lucille Encinas)	145.0	X			
	2. JOSEPH T. JOAQUIN (Allen W. Garcia, 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			X
BABOQUIVARI 230.0	1. FRANCES MIGUEL ()	115.0	X			X
	2. EARL A. FRANCISCO ()	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			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 ()	68.0	X			
CHUKUT KUK 178.0	1. MARILYN FRANCISCO	89.0	X			
	2. KENNETH WILLIAMS ()	89.0	X			
TOTAL		1,763.0	1,763.0	-0-	-0-	05

****PASSED VOTES**