

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Removing the Tohono O'Odham Housing Authority's Board of
Commissioners and Appointing the Legislative Housing Committee
to serve as Interim Board)**

RESOLUTION NO. 97-272

**WHEREAS, the Tohono O'Odham Legislative Council established the
Tohono O'Odham Housing Authority (TOHA) pursuant to the
United States Housing Act of 1937 (42 U.S.C. 1437 et set)
(1937 Act); and,**

**WHEREAS, the Legislative Council created Ordinance No. 56 to
implement the Tohono O'Odham Housing Authority and its
operational and organizational structure; and,**

**WHEREAS, the implementation of the 1937 Act effectively created a
partnership between the Tribal Council HUD, the TOHA
Executive Director, and the TOHA Board of Commissioners,
and,**

**WHEREAS, the TOHA Board of Commissioners is responsible for
providing guidance and direction for the TOHA in order to
properly meet the Housing needs of the Nation's members
as well as to monitor and regulate the TOHA's Executive
Director duties and responsibilities; and**

**WHEREAS, the TOHA has been in non-compliance with HUD program
and reporting requirements consistently for several years,
and has failed to provide new housing for some of the**

RESOLUTION NO. 97-272

(Removing the Tohono O'odham Housing Authority's Board of Commissioners and Appointing the Legislative Housing Committee to serve as Interim Board)

Page 2 of 6

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

Districts, within the last ten years, and also failed to properly provide modernization of HUD homes; and

WHEREAS, the TOHA has failed to properly address and resolve the Bonding issue with Cornerstone Construction Co., and as a result 115 homes have been left standing partially built for six (6) months; and

WHEREAS, the TOHA Executive Director had sufficient notice and time to avoid the bonding problem but failed to take appropriate measures, and the Board of Commissioners have also been negligent in taking corrective action; and

WHEREAS, the Legislative Branch has received Resolutions requesting the dismissal of the Executive Director from several Districts, and,

WHEREAS, President Clinton signed H.R. 3219, the Native American Housing Assistance and Self-Determination Act, (NAHASDA), into law on October 26, 1996, as Pub. Law 104-330, which effectively removes the HUD Indian Housing Program from public housing; and,

WHEREAS, the NAHASDA Act requires an extensive assessment and

RESOLUTION NO. 97-272

(Removing the Tohono O'odham Housing Authority's Board of Commissioners and Appointing the Legislative Housing Committee to serve as Interim Board)

Page 3 of 6

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

preparation for the Tribe or its Tribally Designated Housing Entity, (TDHE), to meet the various federal programs that have been consolidated and to provide affordable housing from a single block grant, and

WHEREAS, the TOHA Executive Director and Board of Commissioners failed to take immediate action in order to address the requirements of the Act and to protect the Nation's housing interests; and,

WHEREAS, the Legislative Housing Committee was forced to take the lead in May 1997, in protecting the Nation's housing interests, after several attempts to formally and informally ascertain the TOHA's current status and development stages for meeting the NAHASDA requirements; and,

WHEREAS, the TOHA Executive Director and Board of Commissioners have repeatedly stated that they have a plan to make a plan, but to date have failed to produce any work product for review by the Legislative Housing Committee, and

WHEREAS, the Legislative Housing Committee has communicated this concern with the Nation's Chairman and, at a duly

RESOLUTION NO. 97-272

(Removing the Tohono O'odham Housing Authority's Board of Commissioners and Appointing the Legislative Housing Committee to serve as Interim Board)

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

Page 4 of 6

conducted meeting, on June 1, 1997, it was collectively decided that the Board of Commissioners should be removed, and,

WHEREAS, the Legislative Housing Committee presently has legally designated oversight responsibilities for the Indian Housing Programs of the Nation.

NOW, THEREFORE, BE IT RESOLVED by the Tohono O'Odham Legislative Council that it does hereby support the removal of the Tohono O'Odham Housing Authority Board of Commissioners for failing to protect the past, current and future housing interests of the Tohono O'Odham Nation and its people.

BE IT FURTHER RESOLVED that the Legislative Housing Committee be appointed as the Interim Board to conduct the continued preparation for the NAHASDA Legislation as well as to conduct an investigation of the administrative and financial mismanagement of the Nation's housing programs.

BE IT FINALLY RESOLVED that the Tohono O'Odham Housing Authority

RESOLUTION NO. 97-272

(Removing the Tohono O'odham Housing Authority's Board of Commissioners and Appointing the Legislative Housing Committee to serve as Interim Board)

Page 5 of 6

will be temporarily placed under the Legislative Branch, until such time as the investigation is completed and the findings have been properly addressed, then the Nation will officially appoint a Tribally Designated Housing Entity to meet the requirement of NAHASDA.

The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 08TH day of JULY, 1997 at a meeting at which a quorum was present with a vote of 1,443.0 FOR; 338.0 AGAINST; 146.0 NOT VOTING; and (0) ABSENT, pursuant to the powers vested in the Council by Section 1(b) of Article VI 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



Dennis Ramon, Legislative Chairman

8th day of July, 19 97

ATTEST:



Julianna Saraficio, Acting Legislative Secretary

8th day of July, 19 97

RESOLUTION NO. 97-272

(Removing the Tohono O'odham Housing Authority's Board of Commissioners and Appointing the Legislative Housing Committee to serve as Interim Board)

Page 6 of 6

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 8th day of July, 1997 at 4:38 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



Dennis Ramon, Legislative Chairman

APPROVED

on the 10th day of July, 1997

DISAPPROVED

at 2:55 o'clock, P.M.


EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 10th day of

July, 1997, at 3:17 o'clock, P.M.


Julianna Saraficio, Acting Legislative Secretary

ACTION: REMOVING THE TOHONO O'ODHAM HOUSING AUTHORITY'S BOARD OF COMMISSIONERS AND APPOINTING THE LEGISLATIVE HOUSING COMMITTEE TO SERVE AS INTERIM BOARD

MOVED: COUNCILWOMAN FRANCES ANTONE

SECOND: COUNCILWOMAN FERN SALCIDO

DATE: JULY 8, 1997

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 189.0	1. DAVID GARCIA (Marvin Thomas)	94.5	X			
	2. KENNETH WILLIAMS (Arnold F. Smith Sr.)	94.5	X			
HICKIWAN 146.0	1. ALEX JOSE ()	73.0			X	
	2. LLOYD FRANCISCO (Susan Sam)	73.0			X	
GU VO 142.0	1. FERN SALCIDO (Larry Montana)	71.0	X			
	2. GLORIA MONTANA (Phillip Antone)	71.0	X			
SAN LUCY 114.0	1. JOHN RENO (Mary Hoffman)	57.0		X		
	2. ALBERT MANUEL, JR. (Jana Montana)	57.0	X			
PISINEMO 139.0	1. BARBARA SALVICIO ()	69.5	X			
	2. JOHNSON JOSE ()	69.5	X			
GU ACHI 190.0	1. LOUIS JOHNSON ()	95.0	X			
	2. ALEX J. RAMON ()	95.0	X			
BABOQUIVARI 258.0	1. FRANCES MIGUEL ()	129.0	X			
	2. FRANCES G. ANTONE (Edward N. Kisto)	129.0	X			
SAN XAVIER 146.0	1. TONY BURRELL ()	73.0	X			
	2. DENNIS RAMON ()	73.0	X			
SCHUK TOAK 120.0	1. JOSEPH JUAN ()	60.0		X		
	2. AMBROSE ENCINAS ()	60.0		X		
SELLS 322.0	1. LUCILLE ENCINAS (Cynthia Chico)	161.0	X			
	2. EVELYN JUAN (Dennis Jose)	161.0		X		
SIF OIDAK 161.0	1. RITA MARTINEZ (Maxine Norris)	80.5	X			
	2. MARY ANN ANTONE (Darlene Andrew)	80.5	X			
TOTAL		1,927.0	1,443.0	338.0	146.0	[0]

****PASSED VOTES**