

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving First Amendment to Lease Agreement between the Nation and DVA Renal Healthcare, Inc.)

RESOLUTION NO. 13-274

1 **WHEREAS, the Tohono O'odham Nation ("Nation") executed a Lease Agreement dated May 30, 2007**
2 **with DVA Renal Healthcare, Inc., a corporate unit of Davita ("Lessee"), which was**
3 **approved by Legislative Council Resolution No. 07-296; and**

4 **WHEREAS, pursuant to the Lease Agreement, Lessee rents a portion of space within the Nation's**
5 **building at the Health and Human Services Complex off Highway 86 at approximately**
6 **milepost 113; and**

7 **WHEREAS, the purpose of the Lease Agreement is for Lessee to operate and maintain a dialysis**
8 **clinic; and**

9 **WHEREAS, the Lease Agreement provides that the Lessee can rent additional space for additional**
10 **dialysis stations upon 10-days written notice to the Nation; and**

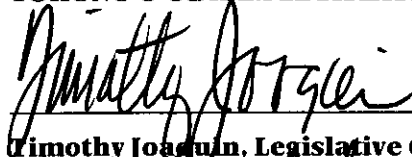
11 **WHEREAS, Lessee has proposed a "First Amendment to Lease Agreement" to rent additional space**
12 **for four additional dialysis stations, as well as various other amendments to the terms**
13 **of the Lease Agreement, including an increase in rent for the additional space; and**

14 **WHEREAS, the Commerce and Health and Human Services Committees have reviewed the**
15 **proposed First Amendment to Lease Agreement and recommend Legislative Council**
16 **approval.**

17 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**
18 **First Amendment to Lease Agreement between the Nation and DVA Renal Healthcare**
19 **substantially in the form attached hereto, and authorizes the Chairman of the Nation**
20 **to execute it.**

21 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 18TH Day**
22 **of JULY, 2013 at a meeting at which a quorum was present with a vote of 2,946.5 FOR; -0- AGAINST;**
23 **-0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by Article VI,**
24 **Section 1 (f) and 1(d) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono**
25 **O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
26 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
27 **Stat. 984).**

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman
19 day of July, 2013

RESOLUTION NO. 13-274

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ATTEST:

Evonne Wilson

Evonne Wilson, Legislative Secretary

19 day of **July**, 2013.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the **19** day of **July**, 2013 at **1:35** 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

Timothy Joaquin
Timothy Joaquin, Legislative Chairman

APPROVED

on the **23** day of **July**, 2013

DISAPPROVED

at **11:59** o'clock, **A**.M.

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

Returned to the Legislative Secretary on the **23** day of

July, 2013, at **12:03** o'clock, **P**.M.

Evonne Wilson
Evonne Wilson, Legislative Secretary

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ACTION: APPROVING FIRST AMENDMENT TO LEASE AGREEMENT BETWEEN THE NATION AND DVA RENAL HEALTHCARE, INC.

MOVED: COUNCILWOMAN DIANA MANUEL

SECOND: COUNCILWOMAN LORRAINE EILER

DATE: JULY 18, 2013

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 224.2	1. LUCINDA ALLEN (Nicholas Jose)	112.1	X			
	2. MARY LOPEZ ()	112.1	X			X
SELLS 502.0	1. ARTHUR WILSON (Kimberly Mull)	251.0	X			
	2. BARBARA HAVIER ()	251.0	X			
SCHUK TOAK 174.2	1. FRANCES B. STEPHENS (Anthony J. Rios)	87.1	X			X
	2. QUINTIN C. LOPEZ (John Fendenheim)	87.1	X			
SAN XAVIER 224.2	1. HILARION CAMPUS ()	112.1	X			
	2. ADAM ANDREWS (Rachael Vilson-Stoner)	112.1	X			
SAN LUCY 219.6	1. DIANA MANUEL (Gloria Ramirez)	109.8	X			
	2. JANA MONTANA ()	109.8	X			X
PISINEMO 210.6	1. CHESTER ANTONE (Tony Murrietta)	105.3	X			
	2. EDWARD MANUEL, SR. ()	105.3	X			
HICKIWAN 196.9	1. LOUIS R. LOPEZ (Michelle Ortega)	98.45	X			
	2. SANDRA ORTEGA (Absent) (Manuel Osequeda, Jr.) (Present)	98.45	X			
HIA CED 19.6	1. LORRAINE EILER (Jolene Garcia)	9.8	X			
	2. MICHAEL FLORES ()	9.8	X			
GU VO 241.0	1. GRACE MANUEL (Floyd Flores)	120.5	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	120.5	X			
GU ACHI 257.3	1. TIMOTHY L. JOAQUIN ()	128.65	X			
	2. LORETTA LEWIS (Louis Johnson)	128.65	X			
CHUKUT KUK 319.2	1. ETHEL GARCIA (Marlakay C. Henry)	159.6	X			
	2. BILLMAN LOPEZ ()	159.6	X			
BABOQUIVARI 357.7	1. FRANCES MIGUEL (Roberta Harvey)	178.85	X			
	2. VERNON J. SMITH (Gloria Zazueta)	178.85	X			
TOTAL		2,946.5	2,946.5	-0-	-0-	[03]