

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing TOKA to Apply for a Title VI Tribal Housing Activities Loan Guarantee)

RESOLUTION NO. 13-423

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council**
2 **with the authority "to promote, protect and provide for public health, peace,**
3 **morals, education and general welfare of the Tohono O'odham Nation and its**
4 **members" (Constitution, Article VI, Section 1(c)(2)); and**

5 **WHEREAS, the Tohono O'odham Ki:Ki Association ("TOKA") is the Nation's tribally**
6 **designated housing entity in accordance with the Native American Housing**
7 **Assistance and Self-Determination Act of 1996, 25 U.S.C. §4101, et seq., P.L. 104-**
8 **330, 110 Stat. 4016 ("NAHASDA"); and**

9 **WHEREAS, the U.S. Department of Housing and Urban Development ("HUD") offers a Title VI**
10 **Tribal Loan Guarantee Program to assist Indian Housing Block Grant ("IHBG")**
11 **recipients finance eligible housing activities to help reach goals and objectives**
12 **defined in its Indian Housing Plan; and**

13 **WHEREAS, in order to qualify for the federal loan guarantee, the borrower must pledge**
14 **IHBG funds as security for repayment of the guarantee obligation; and**

15 **WHEREAS, pursuant to 18 Tohono O'odham Code Chapter 1, the TOKA is authorized "to**
16 **leverage its federal funds, in a manner consistent with applicable federal and**
17 **other rules and regulations, with other available funds or funding sources for**
18 **the purpose of obtaining necessary funding to implement and achieve the short-**
19 **and long-term housing objectives of the Tohono O'odham Nation" (Article I, 1.d.,**
20 **available at <http://tolc-nsn.org/docs/Title 18Ch1.pdf>); and**

21 **WHEREAS, the Tohono O'odham Ki:Ki Association plans to use the Title VI loan to renovate**
22 **20 rental units in the Sells Community Rental Compound for low income Indian**
23 **families; and**

24 **WHEREAS, pursuant to TOKA Board of Directors Resolution No. 10-04-13, the TOKA Board of**
25 **Directors authorized an application for a Title VI loan from a private lender; and**

26 **WHEREAS, the Housing Committee recommends authorizing TOKA to apply for a Title VI**
27 **loan to renovate 20 rental units in the Sells Community Rental Compound.**

28 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it**
29 **authorizes the Tohono O'odham Ki:Ki Association to apply for a Title VI loan**
30 **from a private lender and to pledge to HUD, in accordance with the Nation's**
31 **amended 2013 Indian Housing Plan, a HUD-approved portion of the TOKA's**
32 **annual IHBG allocation as security for repayment of the guarantee obligation;**
33 **provided that nothing contained in this resolution shall be construed as a**
34 **wavier of the sovereign immunity of the Nation.**
35

1 BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that under no
2 circumstances shall the assets of the Nation be subjected to attachment to fulfill
3 any debt or judgment arising from TOKA's Title VI loan except as expressly
4 authorized by the Legislative Council action.

5 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 23RD
6 day of OCTOBER, 2013 at a meeting at which a quorum was present with a vote of 2,946.50
7 FOR; -0- AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the
8 Council by Article VI, Section 1 (c)(2) of the Constitution of the Tohono O'odham Nation,
9 adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting
10 Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section
11 16 of the Act of June 18, 1934 (48 Stat.984).

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14 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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16 
17 Timothy Joaquin, Legislative Chairman *Fos*

18
19 24 day of October, 2013

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24 ATTEST:

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27 Evonne Wilson, Legislative Secretary

28
29 23 day of October, 2013

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31 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
32 O'odham Nation on the 24 day of October, 2013 at 10:11 o'clock, A .m.,
33 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
34 effective upon his approval or upon his failure to either approve or disapprove it within 48
35 hours of submittal.
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39 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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42 Timothy Joaquin, Legislative Chairman *Fos*

RESOLUTION NO. 13-423

(Authorizing TOKA to Apply for a Title VI Tribal Housing Activities Loan Guarantee)

Page 3 of 3

APPROVED

on the 24 day of October, 2013

DISAPPROVED

at 11:45 o'clock, A.m.

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

Returned to the Legislative Secretary on the 24 day of

Cortez, 2013, at 12:40 o'clock, P.m.

Evonne Wilson
Evonne Wilson, Legislative Secretary

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ACTION: AUTHORIZING TOKA TO APPLY FOR A TITLE VI TRIBAL HOUSING ACTIVITIES LOAN GUARANTEE

MOVED: COUNCILMAN BILLMAN LOPEZ

SECOND: COUNCILWOMAN BARBARA HAVIER

DATE: OCTOBER 23, 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 | | | |
| 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 | | | |
| | 2. QUINTIN C. LOPEZ (John Fendenheim) | 87.1 | X | | | |
| SAN XAVIER 224.2 | 1. HILARION CAMPUS (Daniel L.A. Preston III) | 112.1 | X | | | |
| | 2. ADAM ANDREWS (Rachael Vilson-Stoner) | 112.1 | X | | | |
| SAN LUCY 219.6 | 1. DIANA MANUEL (Gloria Ramirez) | 109.8 | X | | | X |
| | 2. JANA MONTANA () | 109.8 | 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 (Manuel Osequeda, Jr.) | 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 (<i>Absent</i>) (Jeffery Antone, Sr.) (<i>Present</i>) | 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 (<i>Absent</i>) (Roberta Harvey) (<i>Present</i>) | 178.85 | X | | | |
| | 2. VERNON J. SMITH (Gloria Zazueta) | 178.85 | X | | | |
| TOTAL | | 2,946.5 | 2,946.50 | -0- | -0- | [01] |