

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Designating and Authorizing Tohono O'odham Ki:Ki Association Executive Director as the
Nation's Certifying Officer for Purposes of NAHASDA and Other Housing Programs)

RESOLUTION NO. 14-251

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

5 **WHEREAS, the Legislative Council established the Tohono O'odham Ki:Ki Association**
6 **("TOKA") as a separate tribal entity in accordance with Article VI of the**
7 **Constitution of the Tohono O'odham Nation and pursuant to Legislative Council**
8 **Ordinance No. 98-03, as amended (TOKA Ordinance No. 98-03, 18 Tohono**
9 **O'odham Code Chapter 1); and**

10 **WHEREAS, the TOKA is (1) designated as the Nation's "Tribally Designated Housing Entity**
11 **("TDHE") in accordance with the Native American Housing Assistance and Self-**
12 **Determination Act of 1996, 25 U.S.C. §4101, et seq., P.L. 104-330, 110 Stat. 4106**
13 **("NAHASDA") to implement the Nation's Indian Housing Plan under NAHASDA's**
14 **Indian Housing Block Grant ("IHBG") Program", and (2) established for the**
15 **primary purpose of providing well constructed and affordable homes for the**
16 **members, as well as maintaining the current assisted stock of home ownership**
17 **and rental homes (18 T.O.C. Chapter 1, Statement of Purpose and Article I.1.);**
18 **and**

19 **WHEREAS, TOKA's Executive Director is expressly vested with the power "to enter into**
20 **agreements, contracts and understandings with any local, state or federal**
21 **governmental agencies" and "to apply for and to expend and obligate the funds**
22 **according to the contractual agreements, in order to effectively manage the**
23 **business and program affairs of the organization and to enhance community**
24 **development" (18 T.O.C. Chapter 1, Article VII, 1(a) and 1(b)); and**

25 **WHEREAS, to improve TOKA operations for the Nation's benefit, it is necessary to clarify the**
26 **responsibilities and authorities of the TOKA in any housing program that (i)**
27 **involves TOKA's receipt, use and expenditure of federal or state housing funds or**
28 **proceeds for and on behalf of the Nation; and (ii) requires TOKA's compliance**
29 **and certification of compliance on behalf of TOKA and/or the Nation with**
30 **applicable federal environmental laws and regulations and related actions.**

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1 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council,**
2 **notwithstanding any contrary provision of 18 T.O.C. Chapter 1, designates and**
3 **authorizes the TOKA Executive Director as the Nation's "Certifying Officer" as**
4 **that term is defined in 24 CFR § 58.2(a)(2) for and on behalf of the Responsible**
5 **Entity who is empowered to:**

- 6 **1. certify the TOKA's satisfaction of and compliance with the TOKA's**
7 **responsibilities in relation to the federal government's environmental**
8 **review process applicable to the TOKA's receipt, use and expenditure of**
9 **(a) federal and state housing grant funds; (b) proceeds of federally**
10 **guaranteed loan programs; and (c) financing proceeds from federal**
11 **and/or state low-income tax credit programs (collectively referred to as**
12 **"Federal and State Housing Funds");**
- 13 **2. execute any documents required or as may be reasonably necessary to**
14 **implement the intent of this resolution, including documents for the**
15 **Request for Release of Funds and Certification for Federal and State**
16 **Housing Funds; and**
- 17 **3. consent to and accept on behalf of TOKA, the jurisdiction of the federal**
18 **courts for the limited purpose of enforcing federal regulatory**
19 **responsibilities arising from and compliance with the federal**
20 **government's environmental review/assessment process related and**
21 **applicable to TOKA's receipt, use and expenditure of Federal and State**
22 **Housing Funds.**

23 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that nothing in this**
24 **resolution shall be construed as authorizing federal court jurisdiction over the**
25 **Tohono O'odham Nation or a waiver of the Nation's sovereign immunity.**

26 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 19TH**
27 **day of JUNE, 2014 at a meeting at which a quorum was present with a vote of 1,974.30 FOR;**
28 **972.20 AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the**
29 **Council by Article VI, Section 1 (c)(2) of the Constitution of the Tohono O'odham Nation,**
30 **adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting**
31 **Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section**
32 **16 of the Act of June 18, 1934 (48 Stat.984).**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Timothy Joaquin

Timothy Joaquin, Legislative Chairman
20 day of *June*, 2014

ATTEST:

Evonne Wilson

Evonne Wilson, Legislative Secretary
20 day of *June*, 2014

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the *20* day of *June*, 2014 at *2:01* o'clock, *PM* .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 *20th* day of *June*, 2014

DISAPPROVED

at *3:59* o'clock, *P* .m.

Ned Norris, Jr.

NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the *20* day of

June, 2014, at *4:09* o'clock, *P* .m.

Evonne Wilson

Evonne Wilson, Legislative Secretary

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ACTION: DESIGNATING AND AUTHORIZING TOHONO O'ODHAM KI:KI ASSOCIATION EXECUTIVE DIRECTOR AS THE NATION'S CERTIFYING OFFICER FOR PURPOSES OF NAHASDA AND OTHER HOUSING PROGRAMS

MOVED: COUNCILMAN BILLMAN LOPEZ

SECOND: COUNCILMAN CHESTER ANTONE

DATE: JUNE 19, 2014

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 (Ophelia Pablo)	251.0	X			
	2. BARBARA HAVIER (Beverly Rivas)	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(Absent) (Daniel L.A. Preston, III) (Present)	112.1	X			
	2. RACHEAL VILSON-STONER(Absent) (Olivia Villegas-Liston) (Present)	112.1	X			
SAN LUCY 219.6	1. DIANA MANUEL (Gloria Ramirez)	109.8	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		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 (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	1,974.30	972.20	-0-	[02]