

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving a Landlord Consent Agreement)

RESOLUTION NO. 14-515

1 **WHEREAS,** pursuant to Article VI, Section 1(f) of the Constitution of the Tohono O'odham
2 Nation, the Legislative Council is vested with the power to consult, negotiate and
3 conclude agreements and contracts on behalf of the Tohono O'odham Nation
4 ("Nation") with private persons or organizations on all matters within the
5 authority of the Tohono O'odham Legislative Council; and

6 **WHEREAS,** pursuant to Article VI, Section 2(d) of the Constitution, the Legislative Council is
7 vested with the power to manage and lease or otherwise deal with lands, or
8 interests in land, and resources of the Nation; and

9 **WHEREAS,** in accordance with its constitutional power and authority, the Tohono O'odham
10 Nation entered into a Lease, dated October 19, 1989 and effective on February 12,
11 1990 (the "Lease"), between the Nation, as landlord, and the San Xavier
12 Cooperative Association, Inc., as tenant; and

13 **WHEREAS,** the Nation and the San Xavier Cooperative Association are in the process of
14 negotiating an extension of the Lease term until 2016; and

15 **WHEREAS,** the San Xavier Cooperative Association has requested a loan from the
16 Community Development Financial Institution of the Tohono O'odham Nation
17 (the "CDFI") and will use the proceeds of the loan for the operation of a farm
18 located on the premises subject to the Lease (the "Premises"); and

19 **WHEREAS,** the loan will be secured, in part, by the San Xavier Cooperative Association's
20 interest in certain personal property and equipment located on the Premises
21 (collectively, the "Collateral"); and

22 **WHEREAS,** in order to allow the CDFI to enter into the Premises to recover the Collateral
23 upon an event of default by the San Xavier Cooperative Association, the
24 Legislative Council, in accordance with its constitutional power and authority,
25 and acting for and on behalf of the Nation in its capacity as landlord under the
26 Lease, wishes to have the Nation execute and deliver a Landlord Consent
27 Agreement substantially in the form attached hereto (the "Consent"); and


28 **WHEREAS,** this resolution has been reviewed by the Agricultural and Natural Resources
29 Committee, which recommends approval by the Legislative Council.

30 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council approves the
31 Landlord Consent Agreement with the Community Development Financial
32 Institution in substantially the form attached hereto and authorizes the
33 Chairman of the Nation to execute and deliver it and such other documents as
34 may be necessary to implement this resolution.
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1 BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council grants a limited waiver
2 of the Nation's sovereign immunity in favor of the Community Development
3 Financial Institution to resolve disputes arising under the Consent in the courts
4 of the Tohono O'odham Nation by granting injunctive or declaratory relief or
5 actual damages, but such waiver does not extend to consequential or punitive
6 damages, attorney fees, court costs, or any other form of remedy.

7 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 24TH
8 day of NOVEMBER, 2014 at a meeting at which a quorum was present with a vote of 2,176.55
9 FOR; 769.95 AGAINST; [02] NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the
10 Council by Article VI, Section 1(f) and Section 2(d) of the Constitution of the Tohono O'odham
11 Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the
12 Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to
13 Section 16 of the Act of June 18, 1934 (48 Stat.984).

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15 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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18 Timothy Joaquin, Legislative Chairman
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20 26 day of November, 2014
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24 ATTEST:

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27 Evonne Wilson, Legislative Secretary

28
29 25 day of November, 2014
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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 26 day of November, 2014 at 9:26 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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37 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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40 Timothy Joaquin, Legislative Chairman
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45 APPROVED

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47 DISAPPROVED

48 on the 26 day of November, 2014

49 at 11:58 o'clock, a .m.

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52
53 NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

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Returned to the Legislative Secretary on the 26 day of
November, 2014, at 12:15 o'clock, p.m.


Evonne Wilson, Legislative Secretary

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ACTION: APPROVING A LANDLORD CONSENT AGREEMENT

Moved: COUNCILMAN BILLMAN LOPEZ

SECOND: COUNCILWOMAN RACHEAL VILSON-STONER

DATE: NOVEMBER 24, 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			
SELLS 502.0	1. ARTHUR WILSON (Ophelia Patten)	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		X
SAN XAVIER 224.2	1. HILARION CAMPUS (Daniel L.A. Preston, III)	112.1	X			
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	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 ()	98.45	X			
	2. SANDRA ORTEGA (Manuel Osequeda, Jr.)	98.45	X			X
HIA CED 19.6	1. PATRICK ANDREWS (Janice E. Paul)	9.8	X			
	2. VIRGINIA GARCIA ()	9.8	X			
GU VO 241.0	1. GRACE MANUEL (Floyd Flores)	120.5	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	120.5	X		X	
GU ACHI 257.3	1. TIMOTHY L. JOAQUIN ()	128.65		X		
	2. LORETTA LEWIS (Louis Johnson)	128.65		X	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	2,176.55	769.95	[02]	[03]