

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing Tohono O'odham Ki:Ki Association to Execute Agreements and Other Closing Documents for HUD Section 184 and BIA Loans for Hanam Ke:k Rentals Construction Project)

RESOLUTION NO. 18-474

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

5 **WHEREAS,** the Tohono O'odham Ki:Ki Association ("TOKA") pursuant to Ordinance No. 98-03,
6 as amended, was (1) designated as the Nation's "Tribally Designated Housing
7 Entity" ("TDHE") in accordance with the Native American Housing Assistance and
8 Self-Determination Act of 1996, 25 U.S.C. §4101 et seq., P.L.104-330 ("NAHASDA")
9 and as such, submits an Indian Housing Plan ("IHP") to the U.S. Department of
10 Housing and Urban Development ("HUD") each year and receives from HUD an
11 Indian Housing Block Grant ("IHBG") pursuant to NAHASDA and the HUD
12 regulations promulgated thereunder; and (2) established to assume all of the
13 Nation's housing programs and for the primary purpose of providing well
14 constructed and affordable homes for the members of the Nation, as well as
15 maintaining the Nation's current assisted stock of home ownership and rental
16 homes; and

17 **WHEREAS,** the TOKA is authorized to "...obtain necessary funding to implement the short
18 and long term housing objectives of the Tohono O'odham Nation" (Ordinance No.
19 98-03, Article II, Section 1); and

20 **WHEREAS,** the TOKA Board of Directors are authorized and empowered to, as the governing
21 body of TOKA, among other things, provide for the general oversight of TOKA
22 activities and to promulgate policies to provide safe, decent, and affordable
23 housing on the reservation (Ordinance No. 98-03, Article V, Section 1(d)); and

24 **WHEREAS,** in pursuit of this mission, the TOKA submitted applications for HUD Section 184
25 and BIA Loans for the Hanam Ke:k Rentals Construction Project, consisting of 3
26 buildings with a total of 12 units to be newly constructed in the Gu Achi District of
27 the Tohono O'odham Nation; and

28 **WHEREAS,** the land on which the Hanam Ke:k Project is situated is tribal trust land that has
29 been leased by the Nation to TOKA; and

30 **WHEREAS,** TOKA finds it necessary and desirable to apply for a 30-year fixed rate HUD
31 Section 184 Loan, with a guarantee fee of 1.5% plus monthly fee of .25% until the
32 loan-to-value ratio reaches 78%, for \$565,012 per building with a total of
33 \$1,695,036 to finance a portion of construction of the Hanam Ke:k Rentals
34 Construction Project; and

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1 **WHEREAS, TOKA finds it necessary and desirable to apply for a 28-year BIA Loan of**
2 **\$2,145,416, with a guarantee fee of 2%, to finance a portion of construction and**
3 **infrastructure for the Hanam Ke:k Rentals Construction Project; and**

4 **WHEREAS, the Housing Committee has reviewed TOKA's Hanam Ke:k Rentals Construction**
5 **Project proposal and recommends approval.**

6 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council authorizes**
7 **the Tohono O'odham Ki:Ki Association to apply for and enter into HUD Section**
8 **184 and BIA Loans to finance the construction of the Hanam Ke:k Rentals Project**
9 **consisting of 3 buildings with a total of 12 units in the Gu Achi District.**

10 **BE IT FURTHER RESOLVED that the Tohono O'odham Nation authorizes TOKA Executive**
11 **Director C. Peter Delgado, Jr., to execute on behalf of the Tohono O'odham Ki:Ki**
12 **Association any and all documents or instruments necessary to close TOKA's HUD**
13 **Section 184 Loan and BIA Loan transactions that may be required to implement**
14 **the intent of this resolution.**

15 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that nothing in this**
16 **resolution shall be construed as a waiver of the sovereign immunity of the Tohono**
17 **O'odham Nation and any responsibility and financial liability related to the**
18 **TOKA's HUD Section 184 and BIA Loans shall remain exclusively with the TOKA.**

19 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 05TH**
20 **day of DECEMBER, 2018 at a meeting at which a quorum was present with a vote of 2,725.05 FOR;**
21 **359.55 AGAINST; -0- NOT VOTING; and [06] ABSENT, pursuant to the powers vested in the Council**
22 **by Article VI, Section 1(c)(2) of the Constitution of the Tohono O'odham Nation, adopted by the**
23 **Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
24 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
25 **18, 1934 (48 Stat.984).**

26
27 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

28
29 
30 _____
31 Timothy Joaquin, Legislative Chairman

32 12 day of December, 2018

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36 **ATTEST:**

37 
38 _____
39 Evonne Wilson, Legislative Secretary

40 11 day of December, 2018
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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 12 day of December, 2018 at 8:45 o'clock, A.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 C. Joaquin for
Timothy Joaquin, Legislative Chairman

APPROVED

on the 18 day of December, 2018

DISAPPROVED

at 9:26 o'clock, A.m.

Edward D. Manuel
EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

EXCEEDED 48 HOURS

Returned to the Legislative Secretary on the 18 day of

December, 2018, at 10:46 o'clock, A.m.

Evonne Wilson
Evonne Wilson, Legislative Secretary

ACTION: AUTHORIZING TOHONO O'ODHAM KI:KI ASSOCIATION TO EXECUTE AGREEMENTS AND OTHER CLOSING DOCUMENTS FOR HUD SECTION 184 AND BIA LOANS FOR HANAM KE:K RENTALS CONSTRUCTION PROJECT

Moved: COUNCILWOMAN LORETTA LEWIS

SECOND: COUNCILMAN LEANDER MASE

DATE: DECEMBER 05, 2018

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 235.8	1. MARY LOPEZ ()	117.9	X			X
	2. LUCINDA ALLEN (Yolonda Garcia)	117.9	X			
SELLS 527.2	1. ARTHUR WILSON (<i>Absent</i>) (Evelyn Juan Manuel) (<i>Present</i>)	263.6	X			X
	2. ADRIANNE TILLER (Idaleen Reyes)	263.6	X			
SCHUK TOAK 185.7	1. ANTHONY J. FRANCISCO JR. (Teresa F. Donahue)	92.85	X			
	2. QUINTIN C. LOPEZ (Agnes V. Joaquin)	92.85	X			
SAN XAVIER 232.3	1. DANIEL L.A. PRESTON III (<i>Absent</i>) (Felicia Nunez) (<i>Present</i>)	116.15	X			X
	2. JANICE FELIX ()	116.15	X			
SAN LUCY 231.1	1. JANA MONTANA (<i>Absent</i>) (Diana Manuel) (<i>Present</i>)	115.55		X		X
	2. GLORIA RAMIREZ (Lorraine Eiler)	115.55		X		
PISINEMO 225.9	1. CHESTER ANTONE (Caroline D. Garcia)	112.95	X			
	2. MONICA K. MORGAN ()	112.95	X			X
HICKIWAN 209.0	1. LOUIS R. LOPEZ (Shirley Molina)	104.5	X			
	2. SANDRA D. ORTEGA ()	104.5	X			X
GU VO 256.9	1. GRACE MANUEL ()	128.45		X		
	2. DALLAS LEWIS (Nacho Flores)	128.45	X			
GU ACHI 270.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	135.45	X			
	2. LORETTA LEWIS (Victoria Hobbs)	135.45	X			
CHUKUT KUK 337.7	1. BILLMAN LOPEZ (<i>Absent</i>) (Patricia Antone) (<i>Present</i>)	168.85	X			
	2. VIVIAN JUAN-SAUNDERS (Juanita Homer)	168.85	X			
BABOQUIVARI 372.1	1. FRANCES MIGUEL (Roberta E. Harvey)	186.05	X			
	2. LEANDER MASE (Francine Schooling)	186.05	X			
TOTAL		3,084.6	2,725.05	359.55	-0-	[06]