

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving a BIA Encroachment Permit Application Submitted by the Tohono**  
**O'odham Ki:Ki Association for Access to Tohono O'odham Ki:Ki Association**  
**IV LIHTC Project)**

**RESOLUTION NO. 20-394**

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation vests the Legislative Council with  
2 the power to enact laws "to promote, protect, and provide for public health,  
3 peace, morals, education, and general welfare of the Tohono O'odham Nation and  
4 its members" and to enact laws "governing the use, assignment, permit, lease or  
5 other disposition of lands, interests in land and resources of the nation  
6 consistent with Federal law" (Constitution, Article VI, Section 1(c)(2) and Article  
7 XVI, Section 1); and

8 **WHEREAS,** TOKA is established and designated by the Tohono O'odham Nation ("Nation") as  
9 the Nation's Tribally Designated Housing Entity in accordance with the Native  
10 American Housing Assistance and Self-Determination Act of 1996, § 2 U.S.C. §  
11 4101, et seq., P.L.104-330, 110 Stat. 4106 and is authorized to receive and  
12 administer the Nation's Indian Housing Block Grants and other sources of  
13 housing funds to develop and operate low income housing for the Nation and to  
14 provide safe, decent, and affordable housing on the reservation; and

15 **WHEREAS,** to this end, TOKA submitted to and was awarded an allocation of Low Income  
16 Housing Tax Credits ("LIHTC") by the Arizona Department of Housing for the  
17 construction and operation of a LIHTC housing project known as "TOKA Homes  
18 IV" that consist of twenty-nine (29) newly-constructed housing units consisting of  
19 twelve (12) townhomes and seventeen (17) single family homes located within the  
20 Gu Achi District, Arizona ("TOKA IV LIHTC Project")(Resolution No. 19-082); and

21 **WHEREAS,** the Gu Achi District Council has designated and the Nation, pursuant to that  
22 certain Master Lease by and between TOKA, as Lessee, and the Nation, as Lessor,  
23 approved by the Secretary of the Interior on February 1, 2018 and recorded with  
24 the Land and Title Records of the U.S. Secretary of the Interior, Bureau of Indian  
25 Affairs ("BIA"), Albuquerque, New Mexico as Document #4200071734 on July 10,  
26 2018 (the "Master Lease"), has leased to TOKA a parcel of approximately (+/-) 640  
27 acres of the Nation's trust lands located within the Gu Achi District known as  
28 "Hanam Ke:K" for TOKA's development of housing and community amenities for  
29 the benefit of the Nation and its members (the "Hanam Ke:K Site"); and

30 **WHEREAS,** a portion of the Hanam Ke:K Site has been subleased by TOKA to an entity formed,  
31 controlled and used by TOKA for the construction and operation of the TOKA IV  
32 LIHTC Project (the "Project Site"); and

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**Page 2 of 3**

1 **WHEREAS, in order to provide North and South entries and access to residents of the Project**  
2 **Site off of BIA Route 15, TOKA must construct a turning lane and culvert on the**  
3 **existing BIA Route 15 right-of-way (the "Right-of-Way Improvements"); and**

4 **WHEREAS, the BIA will not allow TOKA to do any work within a right-of-way issued to the BIA**  
5 **until an encroachment permit has been issued; and**

6 **WHEREAS, TOKA has completed an encroachment permit application (the "BIA**  
7 **Encroachment Permit Application"), which is incorporated by this reference, for**  
8 **the issuance of an encroachment permit; and**

9 **WHEREAS, the Gu Achi District Council approved Resolution No. 0920-136 in support of**  
10 **TOKA's submission of the BIA Encroachment Permit Application for the BIA Route**  
11 **15 right-of-way for the construction of the Right-of-Way Improvements for the**  
12 **purpose of providing North and South entries and access to the residents of the**  
13 **TOKA IV LIHTC Project; and**

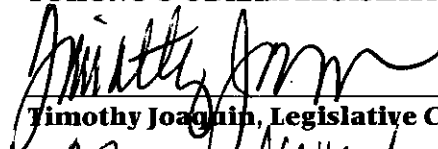
14 **WHEREAS, the Housing and Agricultural and Natural Resources Committees have reviewed**  
15 **the attached BIA Encroachment Permit Application, supporting documents, and**  
16 **recommend approval.**

17 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**  
18 **TOKA's BIA Encroachment Permit application for TOKA housing project access**  
19 **purposes upon a right-of-way issued to the Bureau of Indian Affairs for BIA Route**  
20 **15 and approves the work described in the BIA Encroachment Permit Application.**

21 **BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council authorizes the Nation's**  
22 **Chairman or official designee to execute and deliver any and all additional and**  
23 **necessary documents on behalf of the Nation to carry out the purpose and intent**  
24 **of this Resolution.**

25 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 19<sup>TH</sup>**  
26 **day of NOVEMBER, 2020 at a meeting at which a quorum was present with a vote of 3,175.7 FOR;**  
27 **-0- AGAINST; [01] NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**  
28 **Article VI, Section 1(c)(2) and Article XVI, Section 1 of the Constitution of the Tohono O'odham**  
29 **Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting**  
30 **Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section**  
31 **16 of the Act of June 18, 1934 (48 Stat.984).**

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33 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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37 **Timothy Joaquin, Legislative Chairman**

38  
39 23 day of November, 2020  
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**(Approving a BIA Encroachment Permit Application Submitted by the Tohono O'odham Ki:Ki Association for Access to Tohono O'odham Ki:Ki Association IV LIHTC Project)**

**Page 3 of 3**

1 **ATTEST:**

2 *Evonne Wilson*  
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4 **Evonne Wilson, Legislative Secretary**

5 23 day of November, 2020

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8 Said Resolution was submitted for approval to the office of the Chairman of the Tohono  
9 O'odham Nation on the 23 day of November, 2020 at 3:46 o'clock, P.m.,  
10 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become  
11 effective upon his approval or upon his failure to either approve or disapprove it within 48  
12 hours of submittal.

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14 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
15 *Timothy Joaquin*  
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17 **Timothy Joaquin, Legislative Chairman**

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22  **APPROVED**

on the 24 day of March, 2020

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25  **DISAPPROVED**

at 12:06 o'clock, P.m.

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27 *Ned Norris, Jr.*  
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29 **NED NORRIS, JR., CHAIRMAN**  
30 **TOHONO O'ODHAM NATION**

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35 Returned to the Legislative Secretary on the 24 day of  
36 November, 2020, at 1:16 o'clock, P.m.

37 *Evonne Wilson*  
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41 **Evonne Wilson, Legislative Secretary**

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**ACTION: APPROVING A BIA ENCROACHMENT PERMIT APPLICATION SUBMITTED BY THE TOHONO O'ODHAM KI:KI ASSOCIATION FOR ACCESS TO TOHONO O'ODHAM KI:KI ASSOCIATION IV LIHTC PROJECT**

**Moved: COUNCILWOMAN MONICA K. MORGAN**

**SECOND: COUNCILWOMAN ALBERTA RAY**

**DATE: NOVEMBER 19, 2020**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 384.8	1. LEANDER MASE (Francine Schooling)	192.40	X			
	2. ALBERTA J. RAY (Frances G. Antone)	192.40	X			
CHUKUT KUK 347.5	1. VIVIAN JUAN-SAUNDERS (Juanita Homer)	173.75	X			
	2. MARLAKAY HENRY (Billman Lopez)	173.75	X			
GUACHI 279.3	1. VICTORIA HOBBS ( )	139.65	X			
	2. TIMOTHY L. JOAQUIN (Louis L. Johnson)	139.65	X			
GU VO 264.5	1. DALLAS LEWIS (Nacho Flores)	132.25	X			
	2. GRACE MANUEL ( )	132.25	X		X	
HICKIWAN 213.8	1. SANDRA D. ORTEGA ( )	106.90	X			X
	2. LOUIS R. LOPEZ (Delma M. Garcia)	106.90	X			
PISINEMO 230.7	1. MONICA K. MORGAN ( )	115.35	X			
	2. MARIETTA MARTIN ( )	115.35	X			
SAN LUCY 235.6	1. GLORIA RAMIREZ ( )	117.80	X			
	2. JANA MONTANA ( <i>Absent</i> ) (Lorraine M. Eiler) ( <i>Present</i> )	117.80	X			
SAN XAVIER 238.9	1. JANICE FELIX (Adam Andrews)	119.45	X			
	2. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	119.45	X			X
SCHUK TOAK 189.0	1. QUINTIN C. LOPEZ (Agnes V. Joaquin)	94.50	X			
	2. TERESA F. DONAHUE (Alberta Espinoza)	94.50	X			
SELLS 547.1	1. EVELYN JUAN MANUEL ( )	273.55	X			
	2. ARTHUR WILSON ( )	273.55	X			
SIF OIDAK 244.5	1. LUCINDA ALLEN (Yolonda Garcia)	122.25	X			
	2. MARY LOPEZ (Ann M. Garcia)	122.25	X			X
<b>TOTAL</b>		<b>3,175.7</b>	<b>3,175.7</b>	<b>-0-</b>	<b>[01]</b>	<b>[03]</b>