

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving and Authorizing the Tohono O'odham Nation to Enter Into a 50 Year Master**  
**Lease with the Tohono O'odham Ki:Ki Association for Two Parcels of Real Property**  
**Located Within the San Xavier District for the Development, Construction and**  
**Operation of 12 Newly-Constructed Housing Units Comprising the TOKA**  
**Housing Project Known as the "Two Hills Subdivision")**

RESOLUTION NO. 21-066

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

8 **WHEREAS,** pursuant to Ordinance No. 98-03, enacted by the TOLC on June 29, 1998, and as  
9 amended and compiled at 18 Tohono O'odham Code Chapter 1, the Tohono  
10 O'odham Ki:Ki Association ("TOKA") is the successor-in-interest of the Papago  
11 Housing Authority and the tribally designated housing entity ("TDHE") of the  
12 Tohono O'odham Nation ("Nation") whose primary purposes and responsibilities  
13 are (i) providing well-constructed and affordable homes for the Nation's  
14 members, as well as maintaining the Nation's current assisted stock of home  
15 ownership homes and rental homes; (ii) implementing a comprehensive  
16 program to address the housing needs of the Nation; (iii) administering the  
17 Nation's United States Housing and Urban Development ("HUD") Indian housing  
18 block grant funds ("IHBG") pursuant to the Native American Housing Assistance  
19 and Self-Determination Act of 1996, § 2 U.S.C. § 4101, et seq., P.L. 104-330, 110 Stat.  
20 4106 ("NAHASDA") to operate and develop low income housing for the Nation and  
21 its members; and (iv) serving all of the Nation's Districts with housing resources;  
22 and

23 **WHEREAS,** to alleviate the shortage of housing available to the members of the Nation  
24 irrespective of income level, TOKA has created a housing program known as the  
25 "Unrestricted Income Program" to serve the needs of and provide housing for the  
26 Nation's non-low income members; and

27 **WHEREAS,** the Nation designated certain funds for housing to be provided by and through  
28 TOKA's Unrestricted Income Program ("UIP Funds") which would target and  
29 benefit non-low income members of the Nation who currently cannot be provided  
30 or benefit from housing projects or programs developed, constructed, operated,  
31 rehabilitated or renovated with IHBG funds due to NAHASDA restrictions; and  
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**RESOLUTION NO. 21-066**

**(Approving and Authorizing the Tohono O'odham Nation to Enter Into a 50 Year Master Lease with the Tohono O'odham Ki:Ki Association for Two Parcels of Real Property Located Within the San Xavier District for the Development, Construction and Operation of 12 Newly-Constructed Housing Units Comprising the TOKA Housing Project Known as the "Two Hills Subdivision")**

**Page 2 of 4**

1 **WHEREAS,** with the use of a portion of the UIP Funds, TOKA proposes to build a twelve (12)  
2 home subdivision to be known as the "Two Hills Subdivision" on two (2)  
3 contiguous parcels of real property totaling approximately 5.87 acres of the  
4 Nation's trust lands located within the Nation's San Xavier District (the "Two Hills  
5 Parcels"), as legally described in the Master Lease attached as Exhibit A (the "Two  
6 Hills Master Lease"); and

7 **WHEREAS,** the San Xavier District supports, has approved and designated the Two Hills  
8 Parcels as a subdivision for development by TOKA; and

9 **WHEREAS,** in order for TOKA to proceed with the development and construction of the Two  
10 Hills Subdivision, TOKA must secure site control of the Two Hills Parcels; and

11 **WHEREAS,** for such purpose, it is necessary for TOKA and the Nation to enter into the Two  
12 Hills Master Lease for a term of fifty (50) years beginning on the date that such  
13 Master Lease is approved by the Secretary of Interior, as required by law; and

14 **WHEREAS,** TOKA believes that the Two Hills Master Lease by and between the Nation and  
15 TOKA for the Two Hills Parcels is in the best interests of the Nation in order to  
16 address and serve the housing needs of the Nation's tribal members; and

17 **WHEREAS,** the Housing Committee has reviewed and recommends approval of the TOKA  
18 Board of Director's request for the Two Hills Master Lease by and between the  
19 Nation and TOKA in order for TOKA to proceed with the development and  
20 construction of the Two Hills Subdivision.

21 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council:

- 22 1. Approves the Two Hills Master Lease by and between the Nation and TOKA  
23 for a term of fifty (50) years commencing on the date that such Master  
24 Lease is approved by the Secretary of Interior, as required by law, in the  
25 form attached as Exhibit A; and
- 26 2. Authorizes the Nation's Chairperson to execute the Two Hills Master Lease  
27 by and between the Nation and TOKA for the Two Hills Subdivision on  
28 behalf of the Nation, together with any and all such other documents or  
29 instruments related to the Two Hills Subdivision project as may be  
30 necessary or that may be required to be executed by the Nation in order to  
31 implement and carry out the intent of this resolution, subject to approval  
32 by the Secretary of Interior, as required by applicable law.

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**RESOLUTION NO. 21-066**

**(Approving and Authorizing the Tohono O'odham Nation to Enter Into a 50 Year Master Lease with the Tohono O'odham Ki:Ki Association for Two Parcels of Real Property Located Within the San Xavier District for the Development, Construction and Operation of 12 Newly-Constructed Housing Units Comprising the TOKA Housing Project Known as the "Two Hills Subdivision")**

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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 19<sup>TH</sup> day of FEBRUARY, 2021 at a meeting at which a quorum was present with a vote of 2,911.2 FOR; 264.5 AGAINST; [02] NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(c)(2) and Article XVI, Section 1 of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Timothy C. Joaquin for  
Timothy Joaquin, Legislative Chairman  
24 day of February, 2021

ATTEST:

Evonne Wilson  
Evonne Wilson, Legislative Secretary  
24 day of February, 2021

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 24 day of February, 2021 at 12:24 o'clock, P.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 25 day of February, 2021

DISAPPROVED

at 10:05 o'clock, A.M.

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

**RESOLUTION NO. 21-066**

**(Approving and Authorizing the Tohono O'odham Nation to Enter Into a 50 Year Master Lease with the Tohono O'odham Ki:Ki Association for Two Parcels of Real Property Located Within the San Xavier District for the Development, Construction and Operation of 12 Newly-Constructed Housing Units Comprising the TOKA Housing Project Known as the "Two Hills Subdivision")**

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1 Returned to the Legislative Secretary on the 25 day of

2  
3 January, 2021, at 11:00 o'clock, a .m.

4  
5 Evonne Wilson

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7 **Evonne Wilson, Legislative Secretary**

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**ACTION:** APPROVING AND AUTHORIZING THE TOHONO O'ODHAM NATION TO ENTER INTO A 50 YEAR MASTER LEASE WITH THE TOHONO O'ODHAM KI:KI ASSOCIATION FOR TWO PARCELS OF REAL PROPERTY LOCATED WITHIN THE SAN XAVIER DISTRICT FOR THE DEVELOPMENT, CONSTRUCTION AND OPERATION OF 12 NEWLY-CONSTRUCTED HOUSING UNITS COMPRISING THE TOKA HOUSING PROJECT KNOWN AS THE "TWO HILLS SUBDIVISION"

**Moved:** COUNCILWOMAN JANICE FELIX

**Second:** COUNCILWOMAN MONICA K. MORGAN

**DATE:** FEBRUARY 19, 2021

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 ( <i>Absent</i> ) (Louis L. Johnson) ( <i>Present</i> )	139.65	X			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			
	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		X	
	2. JANA MONTANA (Lorraine M. Eller)	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			
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			
<b>TOTAL</b>		<b>3,175.7</b>	<b>2,911.20</b>	<b>264.5</b>	<b>[02]</b>	<b>[01]</b>