

**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 a Parcel of Real Property Located Within the Sells District for TOKA's Development, Construction and Operation of Public Housing Units)**

**RESOLUTION NO. 22-054**

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, peace,  
3 morals, education and general welfare of the Tohono O'odham Nation and its  
4 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,** pursuant to Ordinance No. 98-03, as amended and compiled at 18 Tohono  
9 O'odham Code Chapter 1, the Tohono O'odham Ki:Ki Association ("TOKA") is the  
10 successor-in-interest of the Papago Housing Authority and the tribally  
11 designated housing entity ("TDHE") of the Tohono O'odham Nation ("Nation")  
12 whose primary purposes and responsibilities are (i) providing well-constructed  
13 and affordable homes for the Nation's members, as well as maintaining the  
14 Nation's current assisted stock of home ownership homes and rental homes; (ii)  
15 implementing a comprehensive program to address the housing needs of the  
16 Nation; (iii) administering the Nation's United States Housing and Urban  
17 Development ("HUD") Indian housing block grant funds ("IHBG") pursuant to the  
18 Native American Housing Assistance and Self-Determination Act of 1996, §25  
19 U.S.C. § 4101, et seq., P.L. 104-330, 110 Stat. 4016 ("NAHASDA") and operating and  
20 developing low income housing for the Nation and its members; and (iv) serving  
21 all of the Nation's districts with housing resources; and

22 **WHEREAS,** in pursuit of its mission, TOKA desires to lease from Lessor a parcel of the Nation's  
23 federal trust lands within the Nation's reservation situated on and within the  
24 Nation's Sells District at Kawulk (the "Property"), as legally described in the form  
25 of a Master Lease attached hereto as Exhibit A (the "Master Lease"), for the  
26 development, construction and operation by TOKA of one or more public housing  
27 projects (the "TOKA Housing Projects"), financed by TOKA through its use of one  
28 or more funding sources, including but not limited to Low Income Housing Tax  
29 Credits ("LIHTC"), including an Arizona Department of Housing LIHTC TOKA  
30 Housing Project known as "TOKA Homes V" consisting of thirty (30) newly-  
31 constructed residential housing units (the "TOKA Homes V LIHTC Project") that  
32 was approved by Legislative Council Resolution No. 21-078; and

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1 **WHEREAS,** in order for TOKA to proceed with the financing, development and construction  
2 of the TOKA Housing Projects, including the TOKA Homes V LIHTC Project, TOKA  
3 must secure and maintain site control of the Property; and

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

7 **WHEREAS,** TOKA believes that the Master Lease between the Nation and TOKA for the  
8 Property is in the best interests of the Nation in order to address and serve the  
9 housing needs of the Nation's tribal members; and

10 **WHEREAS,** the Sells District supports the Master Lease between the Nation and TOKA; and

11 **WHEREAS,** the Housing Committee has reviewed the TOKA Board of Director's request for the  
12 Master Lease between the Nation and TOKA and recommends approval.

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

- 14 1. **approves the Master Lease between the Nation and TOKA for the Property, as**  
15 **legally described in the form of the Master Lease attached hereto as Exhibit**  
16 **A, for a term of fifty (50) years commencing on the date that the Master Lease**  
17 **is approved by the Secretary of the Interior, as required by law; and**
- 18 2. **authorizes the Nation's Chairperson or any designated official to execute**  
19 **the Master Lease between the Nation and TOKA for the Property on behalf of**  
20 **the Nation, subject to approval by the Secretary of the Interior, as required**  
21 **by applicable law, together with any and all such other documents or**  
22 **instruments, including but not limited to the financing thereof, as may be**  
23 **necessary or that may be required to be executed by the Nation in order to**  
24 **implement and carry out the intent of this resolution in connection with or**  
25 **otherwise related to the TOKA Housing Projects, including the TOKA Homes**  
26 **V LIHTC Project.**

27 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 16<sup>TH</sup>**  
28 **day of FEBRUARY, 2022 at a meeting at which a quorum was present with a vote of 3,218.0 FOR;**  
29 **-0- AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by,**  
30 **Article VI, Section 1(c)(2) and Article XVI, Section 1 of the Constitution of the Tohono O'odham**  
31 **Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting**  
32 **Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section**  
33 **16 of the Act of June 18, 1934 (48 Stat.984).**

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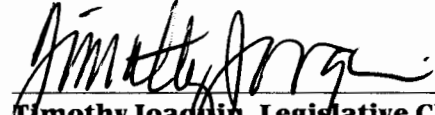
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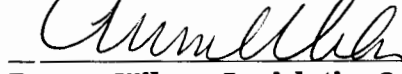
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TOHONO O'ODHAM LEGISLATIVE COUNCIL

  
\_\_\_\_\_  
Timothy Joaquin, Legislative Chairman  
22 day of February, 2022

ATTEST:

  
\_\_\_\_\_  
Evonne Wilson, Legislative Secretary  
22 day of February, 2022

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 22 day of February, 2022 at 4:39 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 Joaquin, Legislative Chairman

APPROVED

on the 29 day of Febry, 2022

DISAPPROVED

at 2:55 o'clock, P .m.

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

Returned to the Legislative Secretary on the 23 day of  
Feb, 2022, at 3:42 o'clock, P .m.

  
\_\_\_\_\_  
Evonne Wilson, Legislative Secretary

**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 A PARCEL OF REAL PROPERTY LOCATED WITHIN THE SELLS DISTRICT FOR TOKA'S DEVELOPMENT, CONSTRUCTION AND OPERATION OF PUBLIC HOUSING UNITS**

**MOVED: COUNCILWOMAN JANICE FELIX**

**SECOND: VICE CHAIRWOMAN ALBERTA RAY**

**DATE: FEBRUARY 16, 2022**

| DISTRICT             | LEGISLATIVE REPRESENTATIVES   | # OF VOTES     | FOR            | AGAINST    | NOT VOTING | ABSENT      |
|----------------------|---|----------------|----------------|------------|------------|-------------|
| SIF OIDAK<br>245.6   | 1. MARY LOPEZ<br>(Ann M. Garcia)  | 122.8          | X              |            |            |             |
|                      | 2. LUCINDA ALLEN<br>(Francis Homewytewa)                                      | 122.8          | X              |            |            |             |
| SELLS<br>556.5       | 1. ARTHUR WILSON<br>( )   | 278.25         | X              |            |            |             |
|                      | 2. EVELYN JUAN-MANUEL<br>(Arvada Liston)                                      | 278.25         | X              |            |            |             |
| SCHUK TOAK<br>190.5  | 1. TERESA F. DONAHUE<br>(Alberta Espinoza)                                    | 95.25          | X              |            |            |             |
|                      | 2. DELISA M. RAMON<br>(Sharon A. Francisco)                                   | 95.25          | X              |            |            |             |
| SAN XAVIER<br>242.6  | 1. DANIEL L.A. PRESTON III<br>(Racheal Vilson-Stoner)                         | 121.3          | X              |            |            |             |
|                      | 2. JANICE FELIX<br>(Adam P. Andrews)  | 121.3          | X              |            |            |             |
| SAN LUCY<br>243.8    | 1. JANA MONTANA<br>(Lorraine M. Eiler)  | 121.9          | X              |            |            |             |
|                      | 2. ROGER MANUEL<br>(Christina Andrews)  | 121.9          | X              |            |            |             |
| PISINEMO<br>232.7    | 1. MARIETTA MARTIN<br>( )   | 116.35         | X              |            |            |             |
|                      | 2. EDWARD D. MANUEL<br>(Monica Morgan)  | 116.35         | X              |            |            |             |
| HICKIWAN<br>216.6    | 1. LOUIS R. LOPEZ<br>( )  | 108.3          | X              |            |            | X           |
|                      | 2. SANDRA D. ORTEGA ( <i>Absent</i> )<br>(Delma M. Garcia) ( <i>Present</i> ) | 108.3          | X              |            |            |             |
| GU VO<br>270.7       | 1. GRACE MANUEL<br>( )  | 135.35         | X              |            |            |             |
|                      | 2. CYNTHIA SAAVEDRA<br>(Dallas Lewis)   | 135.35         | X              |            |            |             |
| GU ACHI<br>278.5     | 1. TIMOTHY L. JOAQUIN<br>( )  | 139.25         | X              |            |            |             |
|                      | 2. VICTORIA HOBBS<br>(Tonya L. Joaquin)                                       | 139.25         | X              |            |            |             |
| CHUKUT KUK<br>351.6  | 1. MARLAKAY HENRY<br>(Billman Lopez)  | 175.8          | X              |            |            |             |
|                      | 2. VIVIAN JUAN-SAUNDERS<br>(Cornelius Antone)                                 | 175.8          | X              |            |            |             |
| BABOQUIVARI<br>388.9 | 1. ALBERTA J. RAY<br>(Frances G. Antone)                                      | 194.45         | X              |            |            |             |
|                      | 2. LEANDER MASE<br>(Francine Schooling)                                       | 194.45         | X              |            |            |             |
| <b>TOTAL</b>         |   | <b>3,218.0</b> | <b>3,218.0</b> | <b>-0-</b> | <b>-0-</b> | <b>[01]</b> |