

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approval for the Tohono O'odham Nation's Education Assistance Program to
enter into a Lease Agreement for Office Space in Tucson with Boyd II GSA
LLC, a Delaware Limited Liability Company)

RESOLUTION NO. 22-217

1 **WHEREAS,** the Tohono O'odham Constitution vests the Legislative Council with the power "to
2 consult, negotiate, and conclude agreements and contracts on behalf of the
3 Tohono O'odham Nation with Federal, State, and local governments and other
4 Indian tribes or their departments, agencies, or political subdivisions, or with
5 private persons or organizations on all matters within the authority of the
6 Tohono O'odham Council" (Constitution, Article VI, Section 1(f)); and

7 **WHEREAS,** the Nation's Education Assistance Program would like to enter into a lease
8 agreement with Boyd II GSA LLC, a Delaware limited liability company
9 ("Landlord"), for approximately 1,648 square feet of space known as Suite 135 in a
10 building ("Building") located at 201 N. Bonita Ave., Tucson, Arizona, 85745, and
11 the right to use the Common Areas in common with Landlord and other tenants
12 and occupants of the Building ("Lease Agreement"), which is attached hereto and
13 incorporated herein as Attachment A; and

14 **WHEREAS,** the Lease Agreement shall be for a five (5) year term beginning on August 1, 2022
15 and ending on July 30, 2027, with an option to renew for one additional five (5) year
16 term; and

17 **WHEREAS,** the rent for the first year of the Lease Agreement will be Forty-Two Thousand Eight
18 Hundred Forty-Eight Dollars and Four Cents (\$42,848.04) and the rent in
19 successive years will be increased by three percent (3%) annually; and

20 **WHEREAS,** Section 11.16 of the Lease Agreement requires the Nation to waive its sovereign
21 immunity as the Nation is required to represent and warrant that any person
22 signing the Lease Agreement on behalf of the Nation is authorized to execute the
23 Lease Agreement, that the execution has been authorized by the Legislative
24 Council, and that the Lease Agreement is fully binding on the Nation; and

25 **WHEREAS,** the Human Resources Development Committee has reviewed the Lease
26 Agreement and recommends its approval.

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

- 28 (1) Approves the Nation's Education Assistance Program entering into the
29 Lease Agreement with Boyd II GSA LLC, a Delaware Limited Liability
30 Company, for office space in Tucson and as described herein; and

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(Approval for the Tohono O'odham Nation's Education Assistance Program to enter into a Lease Agreement for Office Space in Tucson with Boyd II GSA LLC, a Delaware Limited Liability Company)

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(2) Authorizes a limited waiver of the Nation's sovereign immunity, during the time the Lease Agreement is in effect, in order to enable the Landlord to enforce the terms of the Lease Agreement.


The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 11th day of JULY, 2022 at a meeting at which a quorum was present with a vote of 3.001.4 FOR; -0- AGAINST; -0- NOT VOTING; and 216.6 [04] ABSENT, pursuant to the powers vested in the Council by, Article VI, Section 1(f) 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 Joaquin, Legislative Chairman
12 day of July, 2022

ATTEST:



Evonne Wilson, Legislative Secretary
12 day of July, 2022

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 12 day of July, 2022 at 4:30 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

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APPROVED

on the 12 day of July, 2022

DISAPPROVED

at 4:40 o'clock, p.m.

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

Returned to the Legislative Secretary on the 12 day of

July, 2022, at 4:47 o'clock, p.m.

Evonne Wilson
Evonne Wilson, Legislative Secretary

RESOLUTION NO. 22-217

ACTION: APPROVAL FOR THE TOHONO O'ODHAM NATION'S EDUCATION ASSISTANCE PROGRAM TO ENTER INTO A LEASE AGREEMENT FOR OFFICE SPACE IN TUCSON WITH BOYD II GSA LLC, A DELAWARE LIMITED LIABILITY COMPANY

Moved: COUNCILWOMAN JANICE FELIX

Second: COUNCILWOMAN LUCINDA ALLEN

DATE: JULY 11, 2022

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDA 245.6	1. MARY LOPEZ (Ann M. Garcia) 2. LUCINDA ALLEN (Francis Homewytewa)	122.8 122.8	X X			
SELLS 556.5	1. ARTHUR WILSON () 2. EVELYN JUAN-MANUEL (Arvada Liston)	278.25 278.25	X X			X
SCHUK TOAK 190.5	1. TERESA F. DONAHUE (Alberta Espinoza) 2. DELISA M. RAMON (Sharon A. Francisco)	95.25 95.25	X X			
SAN XAVIER 242.6	1. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner) 2. JANICE FELIX (Adam P. Andrews)	121.3 121.3	X X			
SAN LUCY 243.8	1. JANA MONTANA (Lorraine M. Eller) 2. ROGER MANUEL (Christina Andrews)	121.9 121.9	X X			
PISINEMO 232.7	1. MARIETTA MARTIN () 2. EDWARD D. MANUEL (Monica Morgan)	116.35 116.35	X X			
HICKIWAN 216.6	1. LOUIS R. LOPEZ () 2. DELMA M. GARCIA ()	108.3 108.3				X X
GU VO 270.7	1. GRACE MANUEL () 2. CYNTHIA SAAVEDRA (Absent) (Dallas Lewis) (Present)	135.35 135.35	X X			X
GUACHI 278.5	1. TIMOTHY L. JOAQUIN () 2. VICTORIA HOBBS (Tonya L. Joaquin)	139.25 139.25	X X			
CHUKUT KUK 351.6	1. MARLAKAY HENRY (Billman Lopez) 2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	175.8 175.8	X X			
BABOQUIVARI 388.9	1. ALBERTA J. RAY (Frances G. Antone) 2. LEANDER MASE (Absent) (Francine Schooling) (Present)	194.45 194.45	X X			
TOTAL		3,218.0	3,001.4	-0-	-0-	216.6 [04]