

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing Tohono O'odham Ki:Ki Association to Apply for and Enter into a Title VI Program
Loan to provide New Construction and Infrastructure for 15 Single-Family Dwelling Units)

RESOLUTION NO. 22-438

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 Nation is a federally recognized tribe; and**

6 **WHEREAS, the Tohono O'odham Ki:Ki Association ("TOKA") is the Nation's tribally**
7 **designated housing entity in accordance with the Native American Housing**
8 **Assistance and Self-Determination Act of 1996, 25 U.S.C. § 4101, et seq., P.L. 104-**
9 **330, 110 Stat. 4016 ("NAHASDA"); and**

10 **WHEREAS, the U.S. Department of Housing and Urban Development ("HUD") offers a**
11 **federally guaranteed loan program known as the Title VI Tribal Loan Guarantee**
12 **Program ("Title VI Program Loan") to assist Indian Housing Block Grant ("IHBG")**
13 **recipients finance eligible housing activities to help reach goals and objectives**
14 **defined in the recipient's Indian Housing Plan; and**

15 **WHEREAS, in order to qualify for a Title VI Program Loan, the borrower must pledge IHBG**
16 **funds as security for repayment of the guaranteed obligation; and**

17 **WHEREAS, the TOKA is authorized "to leverage its federal funds, in a manner consistent with**
18 **applicable federal and other rules and regulations, with other available funds or**
19 **funding sources for the purpose of obtaining necessary funding to implement**
20 **and achieve the short- and long-term housing objectives of the Tohono O'odham**
21 **Nation." (18 T.O.C. Chapter 1, Article I(1)(d)); and**

22 **WHEREAS, the TOKA desires to apply for a Title VI Program Loan to provide new construction**
23 **and infrastructure for 15 new single-family units for low-income NAHASDA**
24 **eligible families; and**

25 **WHEREAS, pursuant to TOKA Board of Directors Resolution No. 10-02-22, the TOKA Board of**
26 **Directors authorized an application for a Title VI Program Loan funded by a**
27 **private lender to finance the new construction and infrastructure for 15 new**
28 **single-family units; and**

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1 **WHEREAS, the Housing Committee has reviewed and recommends approval of the TOKA's**
2 **request to apply for and enter into a Title VI Program Loan to finance the new**
3 **construction and infrastructure for 15 new single-family units.**

4 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it**
5 **authorizes the TOKA to apply for and enter into a Title VI Program Loan to finance**
6 **the new construction and infrastructure of 15 single-family units, and to pledge**
7 **to HUD, in accordance with the Nation's 2023 Indian Housing Plan, a HUD-**
8 **approved portion of the TOKA's annual IHBG allocation as security for the**
9 **repayment of the guaranteed obligation, provided that nothing contained in this**
10 **resolution shall be construed as a waiver of the Nation's sovereign immunity.**

11 **BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council authorizes the**
12 **Nation's chairperson or any designated official to execute, on behalf of the**
13 **Nation, any and all documents or instruments necessary or that may be required**
14 **to implement the intent of this resolution.**

15 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that under no**
16 **circumstances shall the assets of the Nation be subjected to attachment to fulfill**
17 **any debt or judgment arising from the TOKA's Title VI Program Loan except as**
18 **expressly authorized by the Legislative Council's action.**

19 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 06TH**
20 **day of DECEMBER, 2022 at a meeting at which a quorum was present with a vote of 3,218.0 FOR;**
21 **-0- AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by,**
22 **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).**

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27 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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31 **Timothy Joaquin, Legislative Chairman**

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33 7th day of December, 2022
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ATTEST:

Evonne Wilson
Evonne Wilson, Legislative Secretary

7 day of December, 2022

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 7 day of December, 2022 at 4:20 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
Timothy Joaquin, Legislative Chairman

APPROVED

on the 08 day of December, 2022

DISAPPROVED

at 12:00 o'clock, P.m.

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

Returned to the Legislative Secretary on the 9 day of

December, 2022, at 8:30 o'clock, A.m.

Evonne Wilson
Evonne Wilson, Legislative Secretary

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ACTION: AUTHORIZING TOHONO O'ODHAM KI:KI ASSOCIATION TO APPLY FOR AND ENTER INTO A TITLE VI PROGRAM LOAN TO PROVIDE NEW CONSTRUCTION AND INFRASTRUCTURE FOR 15 SINGLE-FAMILY DWELLING UNITS

MOVED: COUNCILWOMAN VICTORIA HOBBS

SECOND: COUNCILWOMAN DELISA M. RAMON

DATE: DECEMBER 06, 2022

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