

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving Amendment No. 1 to Business Lease Between the Sells District and**  
**Indianola Partners)**

**RESOLUTION NO. 09-029**

1 **WHEREAS, in September 1993, Sells District (the "District") entered into a lease with Indianola**  
2 **Partners for a parcel of tribal trust land containing approximately 3.6 acres near the**  
3 **Sells airstrip for construction of a building and sublease to the U.S. General Services**  
4 **Administration for use by the U.S. Customs Service (the "Lease"); and**  
5 **WHEREAS, the Lease was entered into by the District under the authority of Article XVI, Section**  
6 **5, of the Constitution of the Tohono O'odham Nation, was approved by the Tohono**  
7 **O'odham Legislative Council pursuant to Resolution No. 93-324, and was subsequently**  
8 **approved by the United States Bureau of Indian Affairs; and**  
9 **WHEREAS, the Lease is for a term of 25 years, with an option to renew for an additional 15 years,**  
10 **subject to the approval of the District, the Nation, and the Bureau of Indian Affairs of**  
11 **any renewal or amendment; and**  
12 **WHEREAS, the Lease rental payments under the original Lease are paid in a lump sum to the**  
13 **Treasurer of the Nation and are then split 50 percent to Sells District and 50 percent**  
14 **to the Tohono O'odham Nation; and**  
15 **WHEREAS, Indianola Partners has received a request from the General Services Administration**  
16 **to expand the size of the building from approximately 4,694 square feet to**  
17 **approximately 15,827 square feet; and**  
18 **WHEREAS, the Office of Attorney General has prepared an amendment to the Lease to exercise the**  
19 **15 year renewal option, to increase the amount of the rent, to provide for split rental**  
20 **payments by the Lessee to Sells District and to the Nation, and to update other sections**  
21 **of the Lease; and**  
22 **WHEREAS, the General Services Administration has prepared a "Non-Disturbance and**  
23 **Attornment Agreement" to implement Section 16 of the Lease and which shall become**  
24 **Exhibit B to the Lease; and**  
25 **WHEREAS, on December 18, 2008 the Sells District Council approved Amendment No. 1 to the**  
26 **Lease and the Non-Disturbance and Attornment Agreement, pursuant to Sells District**  
27 **Council Resolution No. SD-122-08, which resolution also requested and recommended**  
28 **that the Tohono O'odham Legislative Council approve Amendment No. 1; and**  
29 **WHEREAS, the Natural Resources Committee has reviewed the lease amendment and**  
30 **recommends approval by the Legislative Council.**

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NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves Amendment No. 1 to the Lease substantially in the form attached hereto, and authorizes the Chairman of the Nation to execute it.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 12<sup>TH</sup>. Day of JANUARY, 2009 at a meeting at which a quorum was present with a vote of 1,256.1 FOR; 1,054.8 AGAINST; 223.6 NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the Council by Section 5 of Article XVI 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

*Felicia Nunez for*  
Verlon M. Jose, Legislative Chairman

*17<sup>th</sup>* day of *January*, 2009

ATTEST:

*Lucille Lopez*  
Lucille Lopez, Acting Legislative Secretary

*12* day of *January*, 2009.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the *14<sup>th</sup>* day of *January*, 2009 at *2:07* 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

*Felicia Nunez for*  
Verlon M. Jose, Legislative Chairman

APPROVED

on the *14* day of *January*, 2009

DISAPPROVED

at *3:55* o'clock, *p*.M.

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

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Returned to the Legislative Secretary on the 14 day of

January, 2009, at 4:08 o'clock, P.M.

*Lucille Lopez*  
Lucille Lopez, Acting Legislative Secretary

ACTION: APPROVING AMENDMENT NO. 1 TO BUSINESS LEASE BETWEEN THE SELLS DISTRICT AND INDIANOLA PARTNERS

MOVED: COUNCILWOMAN EVELYN JUAN MANUEL

SECOND: COUNCILWOMAN KIMBERLY LISTO

DATE: JANUARY 12, 2009

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45		X		
	2. FRANCES G. ANTONE (Vernon Smith)	158.45		X		
<b>CHUKUT KUK</b> 264.8	1. ETHEL GARCIA ( )	132.40		X		
	2. VERLON M. JOSE ( )	132.40			X	
<b>GU ACHI</b> 227.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95		X		
	2. CYNTHIA E. MANUEL ( )	113.95		X		X
<b>GU VO</b> 199.2	1. GRACE MANUEL ( )	99.60	X			
	2. RAYMOND VICTOR ( )	99.60	X			X
<b>HICKIWAN</b> 172.0	1. MICHELLE ORTEGA ( )	86.00	X			
	2. SANDRA ORTEGA ( )	86.00	X			X
<b>PISINEMO</b> 182.4	1. CHESTER ANTONE (Tony Murrietta)	91.20	X			
	2. GERALD FAYUANT ( )	91.20			X	
<b>SAN LUCY</b> 181.1	1. LORRAINE EILER ( )	90.55		X		
	2. GLORIA RAMIREZ ( )	90.55		X		
<b>SAN XAVIER</b> 196.5	1. FELICIA NUÑEZ (Adam P. Andrews)	98.25		X		
	2. OLIVIA VILLEGAS-LISTON ** (Eileen A. Estrada-Lopez)	98.25		X		
<b>SCHUK TOAK</b> 154.6	1. FRANCES B. CONDE (Frederick Jose)	77.30	X			X
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
<b>SELLS</b> 444.7	1. KIMBERLY LISTO ( )	222.35	X			
	2. EVELYN B. JUAN MANUEL ( )	222.35	X			
<b>SIF OIDAK</b> 194.4	1. WAVALENE ROMERO ( )	97.20	X			X
	2. MARY LOPEZ ( )	97.20	X			
<b>TOTAL</b>		<b>2,534.5</b>	<b>1,256.1</b>	<b>1,054.8</b>	<b>223.6</b>	<b>[05]</b>

\*\*PASSED VOTES